

Closed Caption Log, Council Meeting, 09/27/07

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Mayor Wynn: GOOD MORNING. APPRECIATE YOU ALL'S PATIENCE. I'M AUSTIN MAYOR WILL WYNN AND IT'S MY PRIVILEGE TO WELCOME PASTOR CARLOS CLOYD, PARKER LANE UNITED METHODIST CHURCH, WHO WILL LEAD US IN OUR INVOCATION. PLEASE RISE.

THANK YOU, MAYOR, COUNCILMEMBERS. FRIENDS AND NEIGHBORS. I'D LIKE TO BEGIN BY SHARING ONE SCRIPTURE WITH YOU. IN MICAH, CHAPTER 6, VERSE 8, HE HAS TOLD WHAT YOU IS GOOD AND WHAT DOES THE LORD REQUIRE OF YOU BUT TO DO JUSTICE AND LOVE KINDNESS AND WALK HUMBLY WITH YOUR GOD. WE KNOW AS WE COME HERE WE HAVE MANY CHALLENGING DECISIONS TO BE MADE AND WE NEED GOD'S GUIDANCE, WE NEED ENCOURAGEMENT AND WE NEED WISDOM. WE NEED TO BALANCE JUSTICE AND KINDNESS AND THAT WILL BE OUR PRAYER TODAY. AND I GIVE YOU THESE WORDS, A QUOTATION THAT'S BEEN ATTRIBUTED TO THEODORE ROOSEVELT ON CRITICS BECAUSE I AM SURE EVEN THOUGH WE PRAY THIS PRAYER TODAY, YOU WILL FIND CRITICS. HEAR NOW THESE WORDS. IT IS NOT THE CRITIC WHO COUNTS. NOT THE MAN WHO POINTS OUT HOW THE STRONG MAN STUMBLES OR WHERE THE DOER OF DEEDS COULD HAVE DONE THEM BETTER. THE CREDIT BELONGS TO THE MAN WHO IS ACTUALLY IN THE ARENA. WHOSE FACE IS MARRED BY DUST AND SWEAT AND BLOOD. WHOSE IS... STRIDES VALIANTLY. WHO ERRS AND COMES SHORT BECAUSE THERE IS NO EFFORT WITHOUT ERROR AND SHORT COMINGS. WHO KNOWS THE GREAT

DEVOTION, WHO SPENDS HIMSELF ON A WORTHY CAUSE WHO AT BEST KNOWS IN THE END THE HIGH ACHIEVEMENT OF TRIUMPH. AND WHO AT WORST, IF HE FAILS WHILE DARING GREATLY, KNOWS HIS PLACE SHALL NEVER BE WITH THOSE TIMID AND COLD SOULS WHO KNOW NEITHER VICTORY NOR DEFEAT. WOULD YOU BOW YOUR HEADS. ALMIGHTY GOD, WE COME BEFORE YOU NOW ASKING FOR YOUR GUIDANCE AND YOUR BLESSING ON THESE YOUR PEOPLE. THESE OUR LEADERS, OUR MAYOR, OUR CITY COUNCIL. AND EACH OF US AS WE FACE THE CHALLENGES BEFORE US AS WE SEEK TO SHAPE AND TO MOLD AUSTIN, TEXAS INTO A PLACE THAT WOULD REFLECT YOUR GLORY. WHERE THERE WOULD BE JUSTICE AND WHERE KINDNESS WOULD BE FELT. WE PRAY FOR YOUR GUIDANCE OVER ALL THAT IS DISCUSSED TODAY. WE PRAY FOR YOUR BLESSING ON ALL OF OUR LEADERS. AND FOR ALL THESE THINGS WE GIVE YOU THANKS. WE PRAY THIS IN THE NAME OF JESUS CHRIST, OUR LORD AND SAVIOR, AMEN. THANK YOU.

Mayor Wynn: THANK YOU, PASTOR CLOYD. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY, SEPTEMBER 27, 2007. APPROXIMATELY 10:20 A.M. WE'RE HERE IN THE CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE WILL MISS MAYOR PRO TEM DUNKERLEY WHO IS OUT TODAY. COUNCILMEMBER COLE WILL BE ARRIVING SHORTLY. BUT WITH FIVE VOTES, THINGS ON OUR CONSENT AGENDA, OF COURSE, CAN LEGALLY BE APPROVED. WE DO HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE TO NOTE THAT ON ITEM NUMBER 6, IT COMES RECOMMENDED BY THE WATER AND WATERSHED COMMISSION WITH AMENDMENTS. ITEM NUMBER -- WE NOTE THAT ITEM NUMBER 16 IS RELATED TO ITEM NUMBER 72. AND ITEM NUMBER 22 IS RELATED TO ITEM NUMBER 69. ITEM NUMBER 23 WILL BE POSTPONED TO OCTOBER 18, 2007, AS PART OF OUR CONSENT AGENDA. AND ITEM NUMBER 29, WE SHOULD CORRECT THE DATE BECAUSE THE FUNDING FOR THIS FIRST AMENDMENT IS, IN FACT, FISCAL YEAR '07-'08, OPERATING BUDGET OF THE POLICE DEPARTMENT. WE SHOULD NOTE THAT ITEM 30 HAS BEEN WITHDRAWN. ITEM NUMBER 31 WE SHOULD STRIKE THE PHRASE "WITH THE

POSSIBILITY OF ADDITIONAL FUTURE EXTENSIONS." ON ITEM NUMBER 35, WE'LL ALSO NOTE THAT IT TOO COMES RECOMMENDED BY THE WATER, WATERSHED COMMISSION. ON ITEM NUMBER 39, WE'LL CORRECT THE FIGURES HERE. THE NOT TO EXCEED NUMBER SHOULD BE CORRECTLY STATED AS \$1,016,853, AND THEREFORE THE TOTAL ESTIMATED CONTRACT AMOUNT WILL NOW BE \$1,796,240..70. WE SHOULD NOTE ITEM 49 HAS BEEN WITHDRAWN. WE SHOULD NOTE THAT ON ITEM 52 COUNCILMEMBER COLE IS AN ADDITIONAL CO-SPONSOR. AS IS SHE WITH ITEMS NUMBER 53. AND ON ITEM NUMBER 60, WE SHOULD NOTE COUNCILMEMBER McCRACKEN IS AN ADDITIONAL CO-SPONSOR. ITEM NUMBER 63, NOTE THAT IT'S RELATED TO ITEM NUMBER 117, AND ALSO COMES RECOMMENDED BY THE WATER/WATERSHED COMMISSION. ITEM NUMBER 70 HAS BEEN WITHDRAWN FROM THE AGENDA. AND ITEM NUMBER 105, A ZONING CASE, WE SHOULD NOTE THAT THE PLANNING COMMISSION RECOMMENDATION ON THIS CASE IS TO GRANT COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR GR-MU-CO, NP, COMBINED DISTRICT ZONING. ITEM NUMBER 105. OUR SCHEDULE TODAY, WE'RE GOING TO HEAR IN A FEW MINUTES DISCUSS AND HOPEFULLY APPROVE A CONSENT AGENDA. WE WILL THEN LIKELY GO INTO A MORNING EXECUTIVE SESSION FOR A FEW MINUTES BUT BE BACK IN TIME FOR OUR NOON GENERAL CITIZEN COMMUNICATION. SOMETIME AFTER 2:00 P.M., I ANTICIPATE IT CLOSER TO BE CLOSER TO 4:00 P.M., BUT SOMETIME THIS AFTERNOON WE'RE POSTED FOR OUR BRIEFING AND UPDATE ON THE CITY'S REGULATIONS RELATED TO SOLICITATION. SOME PEOPLE REFER TO THAT AS PANHANDLING. AT 3:00 AUSTIN FINANCE HOUSING CORPORATION BOARD OF DIRECTORS MEETING. AT 4:00 WE TAKE UP ALL OF OUR ZONING MATTERS. AND 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATION. OUR NEW SITUATION TODAY IS JEFF GALLAGHER. SO COUNCIL, SO FAR JUST A HANDFUL OF ITEMS HAVE BEEN PULLED OFF THE POTENTIAL CONSENT AGENDA. A NUMBER OF THEM IN PART BECAUSE WE HAVE A LENGTHY EXECUTIVE SESSION AGENDA TODAY, SO ITEMS NUMBER 8, 16, 22 AND 63 ARE PULLED OFF THE CONSENT AGENDA BECAUSE THEY RELATE TO EXECUTIVE SESSION ITEMS, ITEMS NUMBER 78, 72, 69 AND 117 RESPECT.....

RESPECTIVELY. SO AFTER WE HAVE THE APPROPRIATE DISCUSSION IN CLOSED SESSION OF THOSE ITEMS WE MAY THEN TAKE THEM UP LATER TODAY. ITEM NUMBER 55 HAS BEEN PULLED BY COUNCILMEMBER KIM BECAUSE WE WANT TO HAVE OUR AFTERNOON BRIEFING ABOUT SOLICITATION FIRST BEFORE WE THEN CONSIDER A POTENTIAL SETTING OF A PUBLIC HEARING REGARDING TO ADDITIONAL ORDINANCE AMENDMENTS. SO COUNCIL, I BELIEVE THAT'S OUR POTENTIAL CONSENT AGENDA. ADDITIONAL ITEMS TO BE PULLED OR ADDED BACK TO THE AGENDA? IF NOT, THEN I'LL READ A PROPOSED CONSENT AGENDA NUMERICALLY AND WE WILL ASK FOR A MOTION. AND I APOLOGIZE, OBVIOUSLY THIS IS A LENGTHY AGENDA. THIS IS OUR FIRST SORT OF STANDARD CITY COUNCIL MEETING IN ABOUT A MONTH AND SO INEVITABLY THERE'S A LOT OF THINGS THAT STAFF NEEDS FOR US TO ACCOMPLISH, LOTS OF PURCHASING ORDERS, FOR INSTANCE, AND SO THIS WILL BE LENGTHY. BEAR WITH ME. SO OUR PROPOSED POTENTIAL CONSENT AGENDA THIS MORNING WILL BE TO APPROVE ITEMS NUMBER 1, 2, 3, 4, 5, 6, PER CHANGES AND CORRECTION, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 23 TO BE POSTPONED OCTOBER 18 PER CHANGES AND CORRECTION. 24, 25, 26, 27, 28, 29, PER CHANGES AND CORRECTIONS. WE WILL NOTE THAT ITEM 30 HAS BEEN WITHDRAWN. WE'LL BE APPROVING ITEM 31 PER CHANGES AND CORRECTION. 32, 33, 34, 35, PER CHANGES AND CORRECTION. 36, 37, 38, 39, PER CHANGES AND CORRECTION. 40, 41, 42, 43, 44, 45, 46, 47, 48. NOTE THAT ITEM 49 HAS BEEN WITHDRAWN. 50, 51, 52, PER CHANGES AND CORRECTION. 53, PER CHANGES AND CORRECTIONS. 54, 56, 57, 58, 59, 60, PER CHANGES AND CORRECTION. EXCUSE ME, I'M GOING TO GO BACK, ITEM 51 WHICH I READ AS PART OF THE CONSENT AGENDA ARE OUR BOARD AND COMMISSION APPOINTMENTS WHICH I WILL READ INTO THE RECORD. TO OUR ARTS COMMISSION SUE GRAVES IS MY REAPPOINTMENT AND TO THE DESIGN COMMISSION RICHARD WISE IS MY REAPPOINTMENT. TO OUR LIBRARY COMMISSION, DENISE BRADY IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT. TO OUR FAMILIES AND CHILDREN'S TASK FORCE, RICHARD PILGRIM IS A CONSENSUS APPOINTMENT. TO OUR MENTAL HEALTH AND MENTAL RETARDATION BOARD OF TRUSTEES, DR. EXELTON

BELLCO IS REAPPOINTMENT. TO OUR PLANNING COMMISSION CHRIS EWAN, COUNCILMEMBER McCRACKEN'S APPOINTMENT. AND TO THE URBAN TRANSPORTATION COMMISSION, DUSTIN LANIER IS COUNCILMEMBER McCRACKEN'S APPOINTMENT. THAT'S ITEM 51 WHICH I READ EARLIER AS PART OF THIS CONSENT AGENDA. SO NOW CONTINUING ON, I BELIEVE I MENTIONED ITEM NUMBER 60, PER CHANGES AND CORRECTION. THEN WE'LL BE SETTING PUBLIC HEARINGS BY APPROVING NUMBERS NUMBER 61, 62, 64, 65, 66, 67, AND 68. AND THEN ALSO APPROVING OUR TWO ADDENDUM ITEMS, ITEMS 117 AND 118. MR. SMITH.

[INAUDIBLE]

Mayor Wynn: THANK YOU VERY MUCH. SO ITEM 117 WILL NOT BE ON THE CONSENT AGENDA. 118 WILL BE. I'LL ENTERTAIN A MOTION ON CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER.

Martinez:, SECONDED BY COUNCILMEMBER McCRACKEN TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: ON ITEM NUMBER 6, WHICH IS AMENDMENT TO THE WATER CONSERVATION ORDINANCE THAT WAS JUST PASSED AT OUR LAST MEETING, I'D LIKE TO CLARIFY THAT THAT IS APPROVAL OF THE STAFF RECOMMENDATION AS AMENDED BY THE WATER AND WASTEWATER COMMISSION LAST NIGHT, AND I HAVE A COPY OF THE AMENDMENT THAT I'LL GIVE TO THE CLERK. I DON'T KNOW IF THAT REQUIRES CONCURRENCE WITH THE MAKER AND SECOND OR NOT.

Mayor Wynn: I THINK THAT WILL BE FINE. WE'LL SAY COUNCIL WITHOUT OBJECTION WE HAVE A COUPLE OF FOLKS WHO WOULD LIKE TO SPEAK ON ITEM NUMBER 6, EVEN NOTING IT IS ON OUR CONSENT AGENDA. LET'S SEE, IS NANCY BURNS HERE? I THOUGHT I SAY NANCY EARLIER. WELCOME, NANCY. THIS WOULD BE A GOOD TIME FOR YOU TO ADDRESS US. IS JOHN SUTTON HERE? WELCOME. JOHN DONATED HIS THREE MINUTES TO YOU SO NANCY, YOU WILL HAVE UP TO SIX MINUTES AND YOU WILL BE FOLLOWED BY DAVID LAURA.

THANK YOU, MAYOR, COUNCILMEMBERS. MY NAME IS NANCY

BURNS, PRESIDENT OF BOMA AUSTIN WHICH IS THE BUILDERS AND MANAGEMENT ASSOCIATION. I KNOW ALL OF YOU HAVE RECEIVED LETTERS ON BEHALF OF THE ORGANIZATION. I'M HERE REPRESENTING OUR MEMBERS. WE ARE A POSE TO DO IMPLEMENTATION OF THE NEW WATER ORDINANCE EFFECTIVE OCTOBER 1ST. THE REASON WE ARE A POSED TO THAT IS WE DO NOT FEEL THERE HAS BEEN SUFFICIENT TIME FOR OUR MEMBERSHIP TO BE ABLE TO DO THE NECESSARY CHANGES TO BE ABLE TO COMPLY WITH THE ORDINANCE. WE ALSO THINK THAT THERE ARE A LOT OF CHANGES THAT PROBABLY WILL NEED TO BE MADE TO IT TO TAKE INTO CONSIDERATION THE VARIANCES WITH OUR LANDSCAPING PROCEDURES, WITH OUR IRRIGATION SYSTEMS AND WHAT THE IMPLICATIONS OF THIS MEANS FOR THE COMMERCIAL INDUSTRY IN AUSTIN. FOR EXAMPLE, THERE IS NO VARIANCE AT THIS POINT FOR THE EVAPO TRANSPORTATION IRRIGATION SYSTEM WHICH IS A SYSTEM THAT IS COMPUTERIZED. IT DETERMINES WHEN WATER IS NEEDED. IT'S BASED ON HUMIDITY, SOIL CONDITIONS, PLANTING MATERIALS AND ALL OF THOSE KINDS OF THINGS. FOR EXAMPLE, ANOTHER SITUATION THAT I'M AWARE OF, THERE IS A WOMAN RIGHT NOW WHO HAS A PROPERTY, AND I'M SURE THERE ARE OTHERS WHO LIKE THAT WHO WATERS EVERY FIVE DAYS. HER PROPERTY CANNOT STAND A SITUATION OF WATERING EVERY SEVEN DAYS. SHE IS THEREFORE GOING TO BE USING MORE WATER AND USING MORE ENERGY TO BE ABLE TO KEEP HER LANDSCAPING ALIVE BECAUSE SHE'S NOW GOING TO WATER TWICE A WEEK LIKE YOU'VE SET OUT IN THE ORDINANCE SIMPLY BECAUSE HER LANDSCAPING CANNOT SURVIVE A EVERY SEVEN-DAY WATERING SCHEDULE. SO SHE CAN'T WATER ONCE A WEEK, SHE IS NOW GOING TO WATER TWICE A WEEK. THERE ARE LOTS OF OTHER EXAMPLES LIKE THIS AND WE WOULD JUST SIMPLY ASK YOU TO GIVE US AN OPPORTUNITY TO DELAY THE IMPLEMENTATION FROM OCTOBER 1ST AND SCHEDULE IT FOR ANOTHER TIME. WE THINK THERE ARE LOTS OF CHANGES THAT WE CAN MAKE. WE'RE VERY MUCH IN FAVOR OF ENERGY CONSERVATION, OF WATER CONSERVATION. WE WANT TO WORK WITH YOU ON THIS, BUT WE THINK THAT THERE'S BEEN A RUSH TO IMPLEMENT IT AND WE THINK THE OCTOBER 1ST DATE IS

ARBITRARY.

Mayor Wynn: THANK YOU, MS. BURNS. COUNCILMEMBER LEFFINGWELL.

Leffingwell: COULD I JUST COMMENT QUICKLY THAT THIS PROCESS IS OVER A YEAR AND A HALF OLD. IT BEGAN IN JUNE OF 2006, AND I BELIEVE THAT THE WATER UTILITY WAS DIRECTED TO MAKE OUTREACH TO BOMA SPECIFICALLY AS A POTENTIAL STAKEHOLDER AND THEY HAVE WRITTEN RECORDS OF THEIR NUMEROUS ATTEMPTS TO CONTACT YOU AND RECEIVE YOUR INPUT ON THIS. AND ALSO, I'M NOT SURE THAT -- I THOUGHT YOU SAID THAT THIS RESTRICTED YOU TO WATERING ONCE EVERY SEVEN DAYS OR WAS IT YOU COULDN'T PROGRAM YOUR CONTROLLER TO --

NO, THE ISSUE IS RIGHT NOW THE PERSON WATERS EVERY FIVE DAYS. WHICH MEANS OVER THE COURSE OF A YEAR, SHE'S WATERING LESS THAN THE NEW SCHEDULE THAT YOU'VE IMPLEMENTED WHICH WOULD BE TWICE A WEEK. HER LANDSCAPING WILL SURVIVE ON A WATERING SYSTEM OF ONCE EVERY FIVE DAYS. IT WILL NOT SURVIVE IF SHE ONLY WATERS ONCE A WEEK. THEREFORE SHE IS NOW GOING TO BE WATERING EVERY TUESDAY AND EVERY FRIDAY. CONSEQUENTLY, SHE IS GOING TO BE USING MORE WATER AND MORE ELECTRICITY TO BE ABLE TO OPERATE HER SYSTEM THAN SHE USES UNDER HER CURRENT SYSTEM.

Leffingwell: WE UNDERSTAND THAT, BUT TWICE A WEEK IS MORE THAN ONCE A WEEK. IT'S MORE THAN YOU WERE PREVIOUSLY DOING ONCE EVERY FIVE DAYS. AND TO THE BEST OF MY KNOWLEDGE, THESE CONTROLLERS CAN BE REPROGRAMMED TO ACCOMMODATE THE NEW SCHEDULE.

I'M NOT DISAGREEING WITH THAT, COUNCILMEMBER. WHAT I'M POINTING OUT TO YOU IS HERE'S A SITUATION WHERE YOU ARE TALKING ABOUT TRYING TO IMPLEMENT A NEW ORDINANCE THAT'S GOING TO HOPEFULLY CONSERVE WATER USAGE IN THE CITY OF AUSTIN AND ALSO CONSERVE ELECTRICITY IN TERMS OF OPERATING THOSE SYSTEMS. AND HERE'S ONE EXAMPLE OF SOMEONE WHO IS ACTUALLY BECAUSE OF THE WAY THE ORDINANCE HAS BEEN

PROVIDED IS GOING TO BE USING MORE ELECTRICITY AND MORE WATER THAN SHE CURRENTLY USES UNIT THE SYSTEM THAT SHE HAS IN OPERATION AT THIS POINT. AND I THINK IT'S JUST ONE EXAMPLE OF A LOT OF OTHER SITUATIONS THAT I DON'T BELIEVE THAT THE TASK FORCE WAS ABLE TO CONSIDER. AND I AGREE WITH YOU, THERE WERE LOTS OF HEARINGS. UNFORTUNATELY THE PEOPLE THAT WERE -- WERE FROM OUR ORGANIZATION THAT WERE LOOKING AT THIS I GUESS IT JUST SLIPPED THROUGH THE CRACKS AND THEY DIDN'T UNDERSTAND THE IMPLICATIONS. BUT IT DOES HAVE EXTREME IMPLICATIONS FOR THOSE OF US THAT ARE IN THE COMMERCIAL INDUSTRY. UNFORTUNATELY, WE DON'T HAVE AT THIS POINT, MOST OF US DON'T HAVE MONEY IN OUR BUDGETS TO EITHER REPLACE OUR LANDSCAPING OR CHANGE OUT THE IRRIGATION SYSTEMS. AND WE'RE VERY MUCH IN FAVOR OF COMPLYING WITH THIS. WE WANT TO WORK WITH YOU. WE WANT TO DO THAT. WE JUST WISH YOU WOULD GIVE US A LITTLE MORE TIME IN WHICH TO BE ABLE TO DO THAT. AND MY UNDERSTANDING IS THERE'S STILL CHANGES BEING MADE TO THE ORDINANCES. APPARENTLY THERE WERE CHANGES LAST NIGHT WHEN THEY ADOPTED IT AND I UNDERSTAND FROM THE MEETING LAST WEEK THERE ARE GOING TO BE MORE CHANGES THEY ARE GOING TO BE PUTTING INTO IT. WHAT'S THE RUSH TO IMPLEMENT AN ORDINANCE WHEN YOU HAVEN'T THOUGHT THROUGH ALL THE POSSIBILITIES? DOESN'T IT MAKE SENSE TO WORK WITH PROBABLY THE LARGEST TAXPAYER IN THE CITY OF AUSTIN, THE COMMERCIAL PROPERTY OWNERS, TO TRY TO MAKE CERTAIN THEY CAN KEEP THEIR PROPERTIES LOOKING GOOD AND ALSO BE ABLE TO CONSERVE ENERGY BOTH IN TERMS OF WATER AND THE ELECTRICITY TO OPERATE THEIR SYSTEMS?

Leffingwell: I WOULD JUST SAY, AND THIS IS NOT A QUESTION, BUT THE WATER POLICY DOCUMENT WAS ADOPTED BY COUNCIL ON MAY 3rd OF THIS YEAR. SO IT'S NOT JUST COMING INTO PLACE RIGHT NOW. IT'S BEEN OUT THERE IN THE PUBLIC FOR AT LEAST THAT LONG AND THE PROCESS HAS BEEN UNDERWAY FOR MUCH LONGER THAN THAT, AT LEAST A YEAR LONGER THAN THAT. SO -- AND I WOULD SAY THAT THE ITEM BEFORE US TODAY DOES NOT HAVE

ANYTHING TO DO WITH WHAT YOU ARE TALKING ABOUT. THESE ARE SOME SPECIFIC AMENDMENTS TO THE WATER CONSERVATION ORDINANCE THAT PERTAINS TO TIME OF DAY AND ALSO TO DAYS OF THE WEEK THAT WAS PASSED AT OUR LAST MEETING. THIS IS NOT REALLY BEFORE US TODAY, BUT I WOULD LIKE MR. STRUGH TO COMMENT ON THE OUTREACH ATTEMPTS THAT WERE MADE.

THANK YOU. I'LL SIT BACK DOWN. JUST ONE THING I WOULD LIKE TO POINT OUT TO COUNCIL AS PROPERTY OWNERS, WE FREQUENTLY HAVE LOTS OF CHANGES THAT ARE IMPLEMENTED THAT CAUSE US TO SPEND MONEY IN OUR BUILDINGS. INVARIABLY IN ALL THE OTHER CASES WE ARE GIVEN TIME, A YEAR, TWO YEARS, THREE YEARS, TO COME INTO COMPLIANCE BOTH IN TERMS OF PLUMBING CODE, ELEVATOR CODE. WE WERE NOT GIVEN THAT TIME AND THERE ARE NOT SUFFICIENT SERVICE PROVIDERS TO BE ABLE TO CHANGE OUT ALL OF THE IRRIGATION SYSTEMS AND/OR THE PLANTINGS TO HAVE COMPLIED WITH THIS WHETHER IT WENT INTO EFFECT MAY FIRST OR OCTOBER 1ST. IT TAKES MORE THAN TWO OR THREE MONTHS IN WHICH TO BE ABLE TO CHANGE OUT ALL THE IRRIGATION AND PLANTING SYSTEMS FOR ALL OF THE COMMERCIAL PROPERTIES HERE IN AUSTIN. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. BEFORE WE HEAR FROM MR. STRUGH, WE HAVE ONE MORE SPEAKER. DAVID LAURA? SORRY IF I'M MISPRONOUNCING THAT. COME GIVE YOUR TESTIMONY, THEN WE'LL HEAR FROM STAFF.

I'LL BE VERY BRIEF. I REPRESENT ACCU WATER. OUR COMMENT FROM THE INDUSTRY AT LARGE IS THAT THE SYSTEM SIMILAR TO OURS THAT COMPETITION PUTS IN PLACE BASICALLY WORKS ON THE FUNDAMENTAL PREMISE OF EVAPO EE EVAPORATION AND THAT MEANS TRYING TO DETERMINE WHETHER TO APPLY IRRIGATION TO THE LANDSCAPING. THAT DOES NOT OBVIOUSLY COINCIDE WITH A DEDICATED TUESDAY, FRIDAY IRRIGATION SCHEDULE. AND SO WHAT IS HAPPENING IS THAT WE'RE NOW POTENTIALLY FORCING IRRIGATION SYSTEMS THAT OPERATE UNDER E.T. CONDITION TO OPERATE MORE -- YOU KNOW, YOU ARE REGRESSING THEIR TECHNOLOGY BACK TO A TYPICAL TYPE OF CLOCK ULTIMATELY IS WHAT'S TAKING PLACE. THE POINT

I'M TRYING TO MAKE IS IF WE'RE GOING TO USE SMART CONTROLLERS, TECHNOLOGY THAT IS BECOMING A WAVE ACROSS THE COUNTRY, WE SHOULD BE CONSIDERING WHETHER MANDATING A TUESDAY-FRIDAY SCHEDULE IS THE MOST APPROPRIATE THING TO DO.

Mayor Wynn: THANK YOU, MR. LAURA. COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO YOU ARE SAYING YOU CAN'T ACCOMMODATE A ONCE EVERY FIVE DAYS SPECIFIC SCHEDULE, BUT YOU CAN ACCOMMODATE A TWO DAY A WEEK SCHEDULE?

THE IRRIGATION CONTROLLER FROM A E.T. STANDPOINT CAN DO ANYTHING. IT'S A COMPUTER CONTROLLED SOFTWARE DRIVEN CONTROLLER. THE PROBLEM IS IS THAT ITS PREMISE IS TO OPERATE BASED ON SOIL DEPLETION, MOISTURE DEPLETION IN THE SOIL. IT CALCULATES THE RATE TAKING PLACE AT A GIVEN PROPERTY, LOCATION, AND DETERMINES WHEN IT NEEDS TO REAPPLY OR REPLENISH THE WATER THAT SOIL HAS LOST. THAT DOESN'T NECESSARILY MEAN THAT IT'S GOING TO SAY I NOW NEED TO WATER ON TUESDAY BECAUSE THAT'S NOW WHEN THE SOIL NEEDS MOISTURE. THAT'S NOT THE CASE. I MEAN IT WILL APPLY WATER WHEN IT SEES THAT IT'S TIME. IT REALLY IN TRUTH IS TRYING TO GET THE PLANTINGS AND LANDSCAPE TO SURVIVE LONGER PERIODS OF TIME WITHOUT WATER.

Leffingwell: I UNDERSTAND WHAT YOU ARE SAYING AND I KNOW HOW THEY WORK. I'M JUST CONFUSED BY THE FACT THAT THE ONCE EVERY FIVE DAYS SPECIFIC SCHEDULE WAS NOT A HINDRANCE TO YOU UNLESS YOU ARE SAYING WE ROUTINELY VIOLATED THAT WATERING SCHEDULE, BUT A TWICE A WEEK SCHEDULE IS. AND I'LL JUST LEAVE IT AT THAT AND I'D LIKE FOR MR. STRUGH TO GET UP AND COMMENT.

Mayor Wynn: THANK YOU, MR. LAURA. APPRECIATE YOUR TESTIMONY.

GOOD MORNING, COUNCILMEMBERS. I'M DAN STRUB, ACTING COMMISSION MANAGER FOR WATER UTILITIES WATER

CONSERVATION PROGRAM. COUNCILMEMBER LEFFINGWELL ASKED ME TO TALK ABOUT OUR OUTREACH EFFORTS. LAST FALL DURING THE WATER CONSERVATION TASK FORCE, WE TRIED TO IDENTIFY EVERY MAJOR INTEREST GROUP, STAKEHOLDER IN THE PROCESS. WE CONTACTED VERY MANY OF THEM. WE HAD MANY STAKEHOLDER MEETINGS THROUGH THE PROCESS. NOT ALL STAKEHOLDERS THAT WE INVITED TO PARTICIPATE DID. UNFORTUNATELY BOMA WAS ONE OF THOSE THAT DID NOT GET BACK IN TOUCH WITH US AND PARTICIPATE DURING THAT PROCESS. WE HAVE DONE SOME OUTREACH SINCE THEN. WE WENT AND SPOKE WITH THEM AND PRESENTED ALL THESE PROPOSALS AT A LUNCHEON BEFORE THEM JUST LAST WEEK AND WE'VE INVITED THEM TO CONTINUE TO WORK WITH US. I DO WANT TO ADDRESS THE CLAIM THAT WATERING TWICE A WEEK IS AUTOMATICALLY GOING TO USE MORE WATER THAN ONCE A WEEK OR ONCE EVERY FIVE DAYS. IF YOU'VE GOT AN IRRIGATION CONTROLLER, YOU CAN SCHEDULE HOW LONG IT RUNS. IT'S NOT AN AUTOMATIC DEFAULT TO SAY, OKAY, IF YOU ARE GOING TO WATER ON THAT DAY, IT'S GOING TO PUT OUT X NUMBER OF GALLONS OF WATER. WHAT OUR SUGGESTION AND WHAT OUR RECOMMENDATIONS BY OUR STAFF IRRIGATORS ARE IS IF YOU ARE ALREADY SET UP FOR A FIVE-DAY WATERING SCHEDULE, YOU -- TO GO TO A TWICE A WEEK SCHEDULE, YOU DIAL DOWN THE RUN TIMES OF EACH OF YOUR ZONES SO THAT YOU PUT OUT THESE SAME AMOUNT OF WATER OVER THE COURSE OF A WEEK. IT IS NO NET GAIN IN THE AMOUNT OF WATER TO BE USED AND WHAT ONE OF THE GREAT ADVANTAGES OF GOING TO THE TWICE A WEEK SCHEDULE IS THAT THESE SAME EVERY WEEK, WEEK AFTER WEEK, SO IT'S EASIER TO REMEMBER, EASIER TO FOLLOW, EASIER TO ENFORCE.

Mayor Wynn: THANK YOU. QUESTIONS FOR --
COUNCILMEMBER LEFFINGWELL.

Leffingwell: THANK YOU. ONE FINAL COMMENT. AS I SAID, THE ITEM BEFORE US DOESN'T REALLY RELATE TO WHAT WE'RE TALKING ABOUT NOW, BUT WE HAVE DO SITTING RIGHT NOW A WATER CONSERVATION COMMITTEE THAT WILL BE CONTINUALLY REVIEWING AND MAKE RECOMMENDATIONS FOR CHANGES, ADDITIONAL MEASURES FOR CONSERVATION, AND CERTAINLY WE'RE OPEN TO AND

RECEPTIVE TO ANY ADDITIONAL INPUT, BUT BEFORE WE TRY TO ADOPT SOMETHING HERE AT COUNCIL, WE WANT TO MAKE SURE IT HAS A THOROUGH EVALUATION, SCIENTIFIC EVALUATION AND WE KNOW WHAT IMPACT IS GOING TO BE ON OUR WATER CONSERVATION PROGRAM BEFORE WE ADDRESS IT.

DAN, MAYBE JUST ONE LAST -- DO WE HAVE A RESPONSE TODAY OR IS THIS SOMETHING THE GROUP IS LOOKING AT ON THE TIME TO MAKE THE CHANGES FOR THE COMMERCIAL FOLKS? AS WELL AS MAYBE THE CAPACITY OUT THERE TO GET THOSE CHANGES MADE? THIS HAS TO DO WITH THE IMPROVEMENTS BOMA WAS SPEAKING ABOUT, THE TIME THAT THEY HAVE TO MAKE CHANGES IN THEIR SYSTEMS.

TO COMPLY WITH THE OCTOBER 1st DEADLINE, THE ONLY CHANGES THAT NEED TO BE MADE IS IN THE SCHEDULING OF WHEN THE CONTROLLERS RUN. AS I SAID EARLIER, YOU CAN PUT DOWN THE SAME AMOUNT OF WATER ON A TWICE A WEEK SCHEDULE AS A ONCE EVERY FIVE DAY SCHEDULE. IT DOES NOT REQUIRE MAJOR LANDSCAPE CHANGES, IT DOES NOT REQUIRE MAJOR MECHANICAL CHANGES TO YOUR IRRIGATION SYSTEM TO BE ABLE TO COMPLY.

THANK YOU.

Mayor Wynn: AS COUNCILMEMBER LEFFINGWELL POINTED OUT, TECHNICALLY WHAT OUR ITEM IS TODAY IS SOME MINOR AMENDMENTS AND SO TO THE EXTENT THERE IS APPROPRIATE FEEDBACK AND CONSENSUS WITH OUR WORKING GROUPS, THEN WE COULD ALWAYS BRING AN AMENDMENT BACK AS WITH ANY ORDINANCE. SO THANK YOU, MR. STRUB. WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE OUR CONSENT AGENDA. FURTHER COMMENTS? COUNCILMEMBER MARTINEZ.

Martinez: MAYOR, I HAD A QUESTION ON ITEM 19 FROM MR. HILGERS. WE ARE APPROVING THE G.O. BONDS FOR AFFORDABLE HOUSING, AND I STILL HAVE SOME QUESTIONS THAT COME IN FROM THE COMMUNITY AS TO WHAT THE DECISION-MAKING TREE IS WITH EXPENDITURES OF OUR BOND FUNDS AS RELATES TO AFFORDABLE HOUSING. THEY ARE ASKING ME QUESTIONS LIKE ARE WE USING THIS TO

BUY DOWN CONDO PROJECTS OR ARE WE ACTUALLY DEVELOPING SINGLE-FAMILY HOMES. I JUST WANTED YOU TO HELP ME EXPLAIN TO THEM HOW THAT DECISION PROCESS WORKS AND WHERE THESE FUNDS ARE GOING TO BE SPENT.

YES, SIR. PAUL HILGERS, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. THE ACTION BEFORE YOU TODAY IS TO AUTHORIZE THIS ONE-YEAR SERVICE AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE AUSTIN HOUSING FINANCE CORPORATION. THIS WILL BE A SIMILAR ITEM ON ITEM NUMBER 4 OF THE AHFC AGENDA THIS AFTERNOON. SPECIFICALLY THE ANSWER TO YOUR QUESTION, COUNCILMEMBER, IS THAT WE HAVE SET UP A TIERED SYSTEM, A SYSTEM IN WHICH COUNCIL HAS SOME AUTHORITY TO DO COUNCIL PRIORITIES AT A 10% LEVEL OF THE BONDING AUTHORITY, BUT THE PROCESS YOU'RE TALKING ABOUT, THE DECISION PROCESS, YOU'LL RECALL THE BONDS WERE DIVIDED INTO TWO GENERAL CATEGORIES, HOMEOWNERSHIP AND RENTAL. TO THE APPROPRIATION IN THE 8.5 WE'RE LOOKING AT IS \$5.1 MILLION WILL BE APPROPRIATED FOR RENTAL. I THINK IT'S ALWAYS IMPORTANT TO REMIND PEOPLE WHAT THE ELIGIBLE ACTIVITIES ARE AND WHAT THE TARGET PRIORITY POPULATIONS ARE FOR THESE AMOUNTS SO I APPRECIATE THE OPPORTUNITY TO DO THAT. THE ELIGIBLE FOR RENTAL MAY INCLUDE BUT NOT BE LIMITED TO PERMANENT HOUSING WITH SUPPORTIVE SERVICES, SPECIAL NEEDS HOUSING AND AFFORDABLE RENTAL HOUSING THROUGH ACQUISITION, DEVELOPMENT, CONSTRUCTION AND REHABILITATION. THE INCOME LEVEL TO BE SERVED IN THIS PROGRAM WILL BE A MAXIMUM OF 50% OF MEDIAN FAMILY INCOME OR BELOW, WHICH IS 35,550 FOR A FAMILY OF FOUR WITH A PRIORITY TARGET OF 30% OR BELOW MEDIAN FAMILY INCOME. IN OTHER WORDS, APPLICATIONS WHO ARE SERVING PEOPLE AT 30% OF BELOW MEDIAN FAMILY INCOME WILL RECEIVE GREATER AWARD IN THE R.F.P. -- IN THE EVALUATION PROCESS. AND SO A PER UNIT SUBSIDY WE'VE ESTIMATED AT ABOUT \$40,000 PER UNIT. THE APPROPRIATION FOR HOMEOWNERSHIP IS 3.4 MILLION IN THIS \$8.5 MILLION CATEGORY. ELIGIBLE ACTIVITIES FOR THE HOMEOWNERSHIP PROGRAM MAY INCLUDE BUT NOT BE LIMITED TO THE

COMMUNITY LAND TRUST, AFFORDABLE HOMEOWNERSHIP THROUGH ACQUISITION, CONSTRUCTION, DEVELOPMENT AND REHABILITATION. THE INCOME LEVEL TO BE SERVED IN THIS PROGRAM WILL BE AT A MAXIMUM OF 80% OF BELOW MEDIAN FAMILY INCOME, 56,900, FOR A FAMILY OF FOUR WITH A PRIORITY TARGET OF 50 TO 65% OF MEDIAN INCOME WITH A PER UNIT SUBSIDY ESTIMATED AVERAGED AT \$50,000 WITH APPROXIMATELY 60 HOUSEHOLDS ESTIMATED TO BE SERVED. JUST THE PROCESS BECAUSE I THINK IT'S A UNIQUE AND I THINK WE WILL THOUGHT-OUT PROCESS THAT WAS CREATED WITH THE OVERSIGHT OF THE COMMUNITY ROMA COMMISSION AND THE BOND REVIEW COMMITTEE I THINK GAVE INPUT AND ALSO COMMUNITY STAKEHOLDERS. WHAT WE HAVE IS A PROCESS IN WHICH WE HAVE A QUARTERLY NOTICE OF FUND AVAILABILITY FOR BOTH THE RENTAL AND THE HOMEOWNERSHIP UNITS. WE RELEASED IN AUGUST, I BELIEVE, I FORGET EXACT DATE IN AUGUST, BUT \$2.1 MILLION FROM THE ALLOCATION YOU GOT LAST YEAR FOR RENTAL PROJECTS UNDER THIS -- UNDER THE NOTICE OF FUND AVAILABILITY. WE RECEIVED IN OUR OFFICE ON SEPTEMBER 18 OR 19 \$7 MILLION OF APPLICATIONS CURRENTLY UNDER REVIEW. WE WILL RECEIVE A RESPONSE TO OUR \$1.8 MILLION NOTICE OF FUND AVAILABILITY FOR HOMEOWNERSHIP ON FRIDAY. NOW, THE WAY THIS IS GOING TO WORK IS THAT THESE -- THESE PROPOSALS WILL BE REVIEWED AND UNDERWRITTEN FOR QUALITY, FEASIBILITY, TARGET -- MEETING THE GOALS OF THE GENERAL OBLIGATION BOND AS STATED EARLIER. RANKED, TAKEN BEFORE A BOND REVIEW COMMITTEE. AND THE OTHER CRITICAL ELEMENT OF THIS IS HOW READY ARE THESE PROJECTS FOR FUNDING. AND IT MAY BE THAT WE HAVE A REALLY FABULOUS PROPOSAL, BUT IT'S NOT GOING TO BE READY TO USE THE MONEY FOR A COUPLE OF YEARS. THIS IS KIND OF A ROLLING NO FUND PROCESS IN WHICH WE CAN IDENTIFY PROJECTS THAT WE KNOW WE WANT TO FUND THAT MEET OUR TARGET CRITERIA BUT IT MAY NOT MEET FUNDING FOR A COUPLE OF YEARS. WE CAN PLAN FOR THE USE OF THAT MONEY IN THE INDUSTRY. WE WILL HAVE ANOTHER BASICALLY REPEAT ING THIS PROCESS BEGINNING IN OCTOBER FOR BOTH RENTAL AND HOMEOWNERSHIP. AND SO QUESTIONS OF APPLICANTS, THIS IS GOING TO BE OBVIOUSLY A COMPETITIVE PROCESS

AND SO THEY HAVE TO BE HANDLED THROUGH OUR PURCHASING OFFICE. WE HAVE PRE-BID CONFERENCES FOR FOLKS AND WE ANTICIPATE OBVIOUSLY THAT THIS ESSENTIALLY DOUBLES OUR ALLOCATION FROM COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME DOLLARS ALL FOR HOUSING. SO WE WILL HAVE DOUBLE THE MONEY FOR HOUSING AS A RESULT OF THE BONDS THAT WERE PASSED IN NOVEMBER TO BE ABLE TO LEVERAGE OTHER RESOURCES, BUT THE CRITICAL ISSUE IS IS THAT UNTIL WE SEE WHAT PROPOSALS COME IN, WE WON'T KNOW EXACTLY WHAT THE DEMAND IS. WE'VE GOT GREAT DEMAND FOR THE RENTAL. A LITTLE CONCERNED ABOUT THE DEMAND FOR HOMEOWNERSHIP. IT HAS VERY LONG-TERM AFFORDABILITY AND WE MAY BECOME MORE CREATIVE AND PROACTIVE IN -- WE MAY HAVE TO SO WE CAN SPEND THIS MONEY MORE EFFECTIVELY. IT'S COMPETITIVE, IT'S OPEN, IT'S GOING TO BE DONE ON A QUARTERLY BASIS. THE COMMUNITY DEVELOPMENT COMMISSION MEETS MONTHLY AND IS REVIEWING THESE ACTIVITIES. WE HAVE A VERY, I THINK VERY QUALIFIED BOND REVIEW COMMITTEE THAT IS GOING TO BE EVALUATING THESE, MAKING RECOMMENDATIONS TO YOU. THEY IMMEDIATE OCTOBER 23rd, 24th, TO EVALUATE THE RENTAL PROPOSAL. SO I ANTICIPATE FIRST OF NOVEMBER YOU WILL ACTUALLY BE -- I THINK THAT TIME FRAME, I'M NOT EXITING TO THAT DATE, BUT IN THAT TIME FRAME YOU WILL ACTUALLY BE FUNDING YOUR FIRST RENTAL. WE'LL BE RECOMMENDING FUNDING THE FIRST RENTAL PROJECT IF THERE ARE SOME THAT MEET NEED THE MONEY THAT EARLY. HOPE THAT ANSWERS YOUR QUESTION.

Martinez: IT DOES. WE'RE ESTABLISHING THIS CRITERIA MOVING FOSHD.....ING FORWARD, BUT IT DOESN'T TELL US WHERE THIS IS GOING TO TAKE PLACE BECAUSE WE'RE GOING THROUGH THE BID PROCESS AND THAT WILL DETERMINE WHEN THE AFFORDABLE HOUSING IS BUILT OR OCCURS.

THAT'S CORRECT. AND WE WILL BE LOOKING TO THE RESULTS OF THE AFFORDABLE HOUSING INITIATIVE TASK FORCE, AND AGAIN THE FUNDAMENTAL GOALS OF LOWER INCOME LEVELS BE SERVED, LONGER TERM AFFORDABILITY AND WE'LL BE LOOKING FOR GEOGRAPHIC DISPERSION WITH

AFFORDABLE HOUSING. THOSE ARE SOME OF THE CRITERIA, BUT EXACTLY -- IT IS IMPOSSIBLE FOR US TO SAY RIGHT NOW EXACTLY WHERE THIS IS GOING TO BE LOCATED. IT'S NOT LIKE WE'VE TARGETED A SPECIFIC AREA AND IT WILL ALL GO IN THIS ONE SPOTTED. IT'S PRETTY OPEN DEPENDING ON THE QUALITY, FEASIBILITY AND CREATIVITY TO SOME DEGREE OF THE PROPOSALS THAT WE RECEIVE.

Martinez: HOW ARE WE DEALING WITH THE ISSUE? YOU MENTIONED WE MAY LOCK INTO A PROJECT THAT'S A COUPLE YEARS DOWN THE ROAD IN TERMS OF KNOWING WHAT'S COMING DOWN THE PIKE AND THEN BIDDING INTO THE PROGRAM AND CREATING SOME AFFORDABLE HOUSING. WHAT DOES THAT DO TO OUR INVESTMENT IF IT TAKES TWO, TWO AND A HALF YEARS TO BUILD A PROJECT AND THE COST OF CONSTRUCTION AND FUEL CONTINUES TO GO UP? DOES THAT DIMINISH OUR AFFORDABLE HOUSING STOCK ONCE THAT PROJECT IS COMPLETED?

IT CERTAINLY COULD AND IT'S CERTAINLY SOMETHING WE'LL HAVE TO TAKE INTO CONSIDERATION WHEN WE ALLOCATE THOSE. THAT IS A VERY GOOD POINT AND WE'LL HAVE TO LOOK AT THOSE FACTORS AS WE MOVE FORD.

Martinez: THANKS. THANKS, MAYOR.

Mayor Wynn: QUESTIONS FOR STAFF, COUNCIL? THANK YOU, PAUL. AGAIN, WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA. WE HAVE A COUPLE OF FOLKS, DISTINGUISHED FOLKS WHO WOULD LIKE TO SPEAK REGARDING ITEM NUMBER 37 WHICH IS ON THE CONSENT AGENDA FOR APPROVAL. THIS IS THE TWO-YEAR SERVICE CONTRACT WITH COMPLETE COMMUNICATIONS. I NOTICE THAT FORMER MAYOR GUS GARCIA SIGNED UP WISHING TO SPEAK ON THIS ITEM, WHICH YOU ARE MORE THAN WELCOME TO DO NOW, MAYOR. YOU LOOK NICE AND RELAXED.

THANK YOU, MAYOR, COUNCILMEMBERS. VERY BRIEFLY, THIS ITEM IS BASICALLY AN EXAMPLE OF WHAT CAN BE DONE TO EFFECTIVELY IMPLEMENT THE COMPONENTS OF OUR M.B.E. ORDINANCE. FIRST OF ALL, IT ALLOWS PEOPLE TO PARTICIPATE, BUT SECONDLY, AND I THINK THIS IS THE

MOST IMPORTANT ONE, IT ALLOWS THE GENERAL CONTRACTOR TO TRAIN OUR SUBCONTRACTORS SO THAT THEY CAN EXPAND THEIR BUSINESSES IN GOING THROUGH THAT BUSINESS THEMSELVES. TWO INTEGRAL COMPONENTS OF THAT M.B.E. ORDINANCE THAT WE CONSIDERED AT THE TIME, SO I WANT TO COMPLIMENT THE STAFF, IN PARTICULAR PETE COLLINS, FOR MAKING SURE THAT THESE CONTRACTS INCLUDE BOTH THE PARTICIPATION AND THE TRAINING SO THEY MAKE THE MINORITY SUBCONTRACTORS SELF-SUFFICIENT. AND THAT'S ALL I WANTED TO MENTION TO YOU GUYS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MAYOR. AND ALSO, I SEE THAT SAM GUZMAN AND FRANK FUENTES SIGNED UP WISHING TO SPEAK. GENTLEMEN?

HELLO, MAYOR, COUNCILMEMBERS, CITY MANAGER. THANK YOU FOR ALLOWING US TO PRESENT A BRIEF DISCUSSION WITH YOU BECAUSE I WANT TO THANK YOU FOR APPROVING THE AGENDA ITEM AND COMMEND YOU AT THE SAME TIME. YOU AND THE STAFF, I THINK THE STAFF WAS VERY FORWARD LOOKING AND ALSO VERY CREATIVE AND PROGRESSIVE IN THE WAY THEY PUT TOGETHER THIS PARTICULAR ITEM. I WILL TELL YOU THAT SEVERAL YEARS AGO, MAYBE EVEN A LITTLE OVER A DECADE AGO, AND SOME PEOPLE WILL WANT TO MAYBE DEBATE THAT OR AT LEAST DISCUSS IT, I APPEARED BEFORE THE COUNCIL. AT THAT TIME THE COOKSY COUNCIL OR -- MAYOR COOKSY. AND AS THE EXECUTIVE DIRECTOR OF THE AUSTIN ECONOMIC DEVELOPMENT CORPORATION ALONG WITH SOME MINORITY CONTRACTORS BROUGHT BEFORE YOU THE VERY ITEM OF THE NEED TO HAVE A M.B.E., W.B.E. ORDINANCE. AT THAT TIME THE COUNCIL MOVED FORWARD AND CREATED A TASK FORCE OR A COMMITTEE TO LOOK AT THE MATTER AND THEN CONSEQUENTLY BROUGHT IF... THE MATTER TO THE COUNCIL AND THEREFORE THE M.B.E./W.B.E. ORDINANCE WAS CREATED. I'M REAL PLEASED TO SEE IN FACT MAYBE IT'S WORKING MAYBE NOT IDEAL LIE, MAYBE IT DOESN'T WORK EXACTLY PHILOSOPHY-WISE AND IN THE SPIRIT OF THE LAW AND THE LETTER OF LAW, BUT WHEN YOU SEE AN ITEM LIKE THIS MOVE FORWARD AND BE APPROVED AND THE COMPONENTS THAT IT HAS IN IT, IT HAS

THE -- AS I UNDERSTAND, IT HAS AFRICAN-AMERICAN PARTICIPATION, IT HAS HISPANIC PARTICIPATION, AND IT HAS WOMEN PARTICIPATION AND IT HAS ASIAN PARTICIPATION. MY LORD, WHAT ELSE CAN WE HAVE IN TERMS OF A M.B.E., W.B.E. ORDINANCE. IT IS INDEED A MODEL, I HOPE PEOPLE THROUGHOUT THE STATE ARE LOOKING AT IT IN TERMS OF HOW IT'S SUPPOSED TO BE DONE. AND AGAIN, AUSTIN HAS TAKEN THE LEAD IN SUCH AN IMPORTANT MATTER AND I THANK YOU. I ALSO AM HERE REPRESENTING THE HISPANIC CHAMBER OF COMMERCE AS THEIR VICE CHAIR OR THEIR CHAIR OF THE ECONOMIC DEVELOPMENT COMMITTEE. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MR. GOODS..... GUZMAN. MR. FUENTES, WELCOME.

MAYOR, CITY MANAGER, COUNCILMEMBERS, THANK YOU FOR GIVING ME THIS OPPORTUNITY TO SPEAK ON THIS PARTICULAR ITEM. AS CHAIRMAN OF THE U.S. HISPANIC CONTRACTORS ASSOCIATION, I COME BEFORE COUNCILS LIKE THIS PARTICULAR ONE ALL OVER THE COUNTRY A LOT OF TIMES. BUT I'M ALWAYS VERY PROUD OF THIS PARTICULAR COUNCIL BECAUSE OF THE FACT OF HOW YOU EMBRACE NOT ONLY MINORITY BUSINESSES BUT SMALL BUSINESSES. AND THIS PARTICULAR CASE, YOU'VE GOT THREE MINORITY BUSINESSES PARTNERING UP TOGETHER AND HAVE GONE AFTER A MAJOR CONTRACT WITH THE CITY. THAT IS A PRIME EXAMPLE OF HOW WE OUGHT TO ENTERTAIN THE ISSUE OF PARTICIPATION OF NOT ONLY MINORITY BUSINESSES BUT NOT BUSINESSES. FIND A WAY TO GET THEM INCLUDED. AND BY GOLLY, I THINK MR. PETE COLLINS HAS DONE A WONDERFUL JOB IN ENTERTAINING THIS NOTION. SO I'M HERE JUST TO REITERATE WHAT MY -- THE FORMER SPEAKERS HAVE SAID AND THAT IS TO EMBRACE THIS NOTION THAT YOU HAVE PROMOTED SUCCESSFULLY, SUCCESSFULLY SMALL BUSINESSES IN THIS CITY. SO THANK YOU VERY MUCH AND THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ AND THEN KIM.

Martinez: ONE OF THE THINGS MENTIONED THAT I THINK NEEDS TO BE EMPHASIZED THE PRIME CONTRACTOR ON THIS AWARD HAS TAKEN THE INITIATIVE TO TAKE THE TWO

SUBS AND CERTIFY THEM IN THE INDUSTRY THAT THEY ARE IN. AND I THINK THAT'S A VERY SIGNIFICANT AND SHOULD BE RECOGNIZED. THIS IS THE WAY THAT YOU MAKE TRUE IMPACT AND THAT YOU BRING OTHERS INTO THE INDUSTRY THAT IS HISTORICALLY BEEN DIFFICULT FOR MINORITIES TO PARTICIPATE IN. WE HAVE CHALLENGED OUR I.T. DEPARTMENT, WE HAVE CHALLENGED MR. COLLINS AND HIS STAFF TO LOOK INTO EVERYTHING THEY COULD POSSIBLY DO AS IT RELATES TO SOFTWARE AND PROPRIETARY ISSUES BECAUSE IT IS A VERY DIFFICULT INDUSTRY TO BRING IN MORE FOLKS BECAUSE IT IS PROPRIETARY AND IT'S A VERY NARROW INDUSTRY. THEY'VE DONE EVERYTHING THAT WE'VE ASKED OF THEM. THEY HELD A COMMUNITY OUTREACH EXPO CONFERENCE LAST WEEK. OVER 250 PARTICIPANTS. THEY CONNECTED TO SMALL BUSINESSES WITH JUST ABOUT EVERY GOVERNMENTAL AGENCY IN THE COUNTY. AND NOW THEY ARE CONTINUING THEIR EFFORTS IN TRYING TO REACH OUT AND BECOME VERY CREATIVE WITH THE OPPORTUNITIES THAT WE HAVE SO I WANTED TO THANK THEM FOR THEIR HARD WORK. BUT IN ADDITION TO THAT, I WANT TO MAKE SURE THAT, YOU KNOW, THAT OUR STAFF CONTINUES TO MONITOR NOT ONLY THIS CONTRACT BUT CONTINUES TO MONITOR ANY OTHER AWARDS THAT WE PUT IN PLACE SO THAT WE CAN ENSURE THAT THAT PARTICIPATION IS MAINTAINED AND IS INCREASED IN THE FUTURE AS WELL. I WANT TO MAKE SURE THAT WE STAY ON TOP OF THE CERTIFICATION PROCESS. I THINK THAT'S A KEY COMPONENT TO THIS DECISION AS TO HOW WE'RE GOING TO IMPROVE IN THE FUTURE IS BY CERTIFYING MORE FOLKS TO BECOME PART OF -- TO BE ABLE TO PARTICIPATE IN THAT BUSINESS AND IN THAT INDUSTRY. SO I JUST WANTED TO THANK MR. COLLINS AND HIS STAFF AND THANK THE PARTICIPANTS WHO ARE GOING TO BE DOING THE WORK FOR US. THANK YOU.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I SUPPORT EVERYTHING THAT COUNCILMEMBER MARTINEZ JUST SAID AND I'D LIKE TO ASK PETE TO COME AND ANSWER A FEW QUESTIONS ABOUT THE PARTICULAR CONTRACT, IF HE CAN PLEASE COME UP. THE REASON WHY IS I KNOW THERE'S STILL SOME WORK THAT CAN BE DONE TO REMOVE ADDITIONAL BARRIERS TO MINORITY

CONTRACTORS IN THIS INDUSTRY WORKING WITH PANDUIT. PANDUIT IS A VERY SPECIALIZED PRODUCT, A VERY EXPENSIVE USED IN SEMI..... SEMICONDUCTOR FOBS, A LOT OF INDUSTRIES WHERE YOU HAVE -- IT'S AN ELECTRICAL SUPPORT ITEM. SOMETHING THAT REQUIRES CERTAIN CERTIFICATIONS. SOMETIMES THOSE CERTIFICATIONS ARE VERY ONEROUS ON SMALL BUSINESS AND MINORITY OWNED BUSINESSES ESPECIALLY. AND THAT SOMETIMES TENDS TO BE A BARRIER TO ENTRY IN MARKETS. SO PETE, I WAS WONDERING IF YOU CAN ELABORATE A LITTLE MORE ON THE NATURE OF THIS PARTICULAR OBSTACLE THAT WE WERE ABLE TO OVERCOME AND WHAT ARE THE NEXT STEPS TO HELP BREAK DOWN WALLS FOR MINORITY CONTRACTORS.

PETER COLLINS, CHIEF INFORMATION OFFICER. WE ARE A PANDUIT STANDARD IN THE CITY FOR A NUMBER OF YEARS FOR THE RIGHT REASONS DURING THE LATE '80s AND '90s. YOU MINIMIZED RISK WITH NEWER TECHNOLOGY, WITH HIGHER SPEED CABLE AND USUALLY WOULD GO WITH A STANDARD SO YOU WOULD HOLD A VENDOR ACCOUNTABLE. THE SKILL SETS WERE STILL BEING DEVELOPED AT THAT TIME. ONE OF THE BARRIERS WHEN I WASN'T BACK AND REVIEWING OUR DIFFERENT STANDARDS IN THE CITY, THE THING THAT REALLY STUCK OUT IS THAT THE INDUSTRY REALLY CHANGED OVER TIME. THERE WERE OTHER VENDORS OUT THERE THAT WE CONSIDERED TIER 1. THERE WAS COMPARABLE PRODUCTS TO PANDUIT. SO WHEN YOU REMOVE THAT AND YOU SAY THE STANDARD FOR PANDUIT, WHY ARE WE DOING IT NOW IN THE YEAR -- YOU KNOW, IN 2000, IT WAS REALLY BECAUSE OF A 20-YEAR WARRANTY. WHEN YOU GO BACK AND RESEARCH THAT, WE HAD TWO CLAIMS WHICH CALLED ABOUT FIVE DOLLARS. WHAT WAS HAPPENING, IN ORDER FOR A COMPANY TO BE CERTIFIED, THEY HAD TO HAVE A HUGE AMOUNT OF SALES IN ORDER FOR PANDUIT TO RECOGNIZE THEM AS A CERTIFIED VENDOR WHICH WAS QUITE DIFFICULT FOR SMALLER COMPANIES TO BE ABLE TO TO BECOME PANDUIT CERTIFIED. DURING THIS PROCESS I WENT AHEAD AND REMOVED THE STANDARD AND JUST EQUATED TO THE EQUALITY OF THE EQUIPMENT WE'RE USING WHICH IS TIER 1. THERE IS A NUMBER OF PRODUCTS THAT COULD HAVE BEEN BIT ON OR IF YOU ARE NOT FAMILIAR WITH A

PRODUCT, THAT COULD HAVE BEEN BROUGHT FORWARD TO WHERE WE WOULD HAVE CONSIDERED IT TO TIER 1. IN DOING SO, WE LEVELED THE PLAYING FIELD AND EVERYBODY WAS ALLOWED TO COMPETE IN THIS PROCESS. THE SUCCESS STORY, THE SHORT-TERM SUCCESS RIGHT NOW IS THAT COMPANIES THAT BEFORE WERE TRYING TO GET PANDUIT CERTIFIED ARE NOW GETTING PANDUIT CERTIFIED BECAUSE OF THIS CONTRACT. SO EVEN PANDUIT HAS RELAXED THEIR REQUIREMENTS OF VENDORS BEING CERTIFIED TO PUT THEIR PRODUCTS IN. SO IT'S BEEN A WIN-WIN ALL THE WAY AROUND. SOME OF THE COMPANIES ALREADY INVOLVED IN THIS CONTRACT HAVE ATTENDED TRAINING ALREADY BY PANDUIT TO BECOME PANDUIT CERTIFIED.

Kim: ARE WE GOING TO BE USING PANDUIT PRODUCTS OR A COMPETITOR OF THEIRS?

IT LOOKS LIKE AT THIS MOMENT PANDUIT. BUT THEN AGAIN, I.T. IS ALWAYS CHANGING. WE HAVE THE ABILITY TO CHANGE AT ANY TIME IF WE DEEM IT NECESSARY. A LOT OF THIS WORK WILL BE RELATED TO THE BOND PACKAGE THAT WAS PASSED IN THE CONSTRUCTION, BUT, YOU KNOW, WE'LL ALWAYS BE ASSESSING IT AND IF SOMETHING IS BROUGHT FORWARD DIFFERENTLY, WE WILL ASSESS IT AT THAT TIME.

Kim: SO I GUESS THE SIGNIFICANCE OF THIS IS IS THAT IF PANDUIT IS COMPETING WITH OTHER COMPANIES AND WE'RE ABLE TO DESIGNATE NOT THE BRAND BUT THE ACTUAL QUALITY OF THE CABLEING...ING.....OF THE CABLING, SO WE'RE ACTUALLY ENCOURAGING THEM TO LOOK AT HOW THEY CAN ENCOURAGE MORE MINORITY PARTICIPATION IN THE ACTUAL INSTALLERS OF THE PRODUCT.

THAT'S VERY TRUE. AND ANY TIME -- A STANDARD IN THE CITY IS A DOUBLE EDGED SWORD BECAUSE YOU CAN LOSE THAT COMPETITIVE NATURE WHEN A COMPANY FEELS COMFORTABLE BECAUSE WE'RE PANDUIT CERTIFIED OR WHATEVER THE STANDARD MAYING..... MAY BE. WHAT WE HAVE IS COMPETITION WITH PANDUIT AS A PROVIDER OF THEIR EQUIPMENT OR COMPONENTS WITH OTHER MANUFACTURERS THAT HAVE EQUAL QUALITY IN THEIR

EQUIPMENT THAT THEY PROVIDE. SO THIS HAS BEEN VERY HEALTHY FOR US AS A CITY TO GO AHEAD AND REMOVE THE STANDARD, OPEN THE COMPETITION UP AND REALLY ASSESS WHATEVER THE OTHER TIER 1 COMPANIES WERE AND SEE WHAT THOSE BID PACKAGES LOOK LIKE. SO IT'S BEEN A WIN-WIN, OR THE R.F.P. PROCESS.

Kim: I THINK THEY ARE PROBABLY PAYING ATTENTION BECAUSE THIS COULD HAVE EFFECTS THROUGHOUT THE STATE OR EVEN THROUGHOUT THE NATION WHEN IT COMES TO WHICH ELECTRICAL SUPPORT CONTRACTOR OR BRAND CITIES ARE GOING TO USE WHEN THEY ARE DOING MAJOR SPEPD CIP.....C.I.P. PROJECTS. THANK YOU VERY MUCH.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER COLE.

Cole: I HAVE ONE COMMENT. WE WORKED VERY HARD IN THE SUBCOMMITTEE TO MAKE RECOMMENDATION AND ENCOURAGE THE DEPARTMENTS TO DO MORE OUTREACH EFFORTS TO THE COMMUNITY TO GET MINORITY PARTICIPATION IN CONTRACTS AND TODAY I HAVE NOT SEEN ANOTHER DEPARTMENT REACH UP TO THAT CHALLENGE AND ACTUALLY PERFORM THE WAY YOU HAVE PERFORMED AND SO I SIMPLY WANT TO ECHO WHAT HAS BEEN SAID BY COUNCILMEMBER McCRACKEN AND COUNCILMEMBER KIM THAT WE REALLY APPRECIATE YOUR EFFORTS.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. COLLINS. WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ EARLIER. FURTHER COMMENTS? I BELIEVE WE'VE GONE THROUGH ALL OF OUR CITIZEN SPEAKERS. I'LL JUST NOTE THAT -- I ALWAYS GET NERVOUS, ITEM 32 WHEN THE CITY OF AUSTIN STARTS MESSING WITH AGGIE LANE. [LAUGHTER] WE'RE VACATING THE 1,000 BLOCK OF AGGIE LANE, BUT I'VE BEEN ASSURED THERE IS NO CONSPIRACY INVOLVED. SO I'LL ALSO VOTE AYE.

DID MR. HILGERS LEAVE?

Mayor Wynn: SO A MOTION AND SECOND ON THE TABLE TO

APPROVE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. THANK YOU ALL VERY MUCH.

Mayor Wynn: FOLKS, IF YOU ALL COULD TAKE YOUR CONVERSATIONS OUT IN THE FOYER, WE WOULD APPRECIATE IT. WE HAVE NO ITEMS UNTIL WE TAKE UP SOME OF OUR CLOSED AGENDA. WE WILL GO INTO CLOSED SESSION FOR ABOUT 50 MINUTES UNTIL NOON. NUMBER OF ITEMS WE COULD TAKE UP, OBVIOUSLY WE WON'T GET THROUGH ALL OF THEM, BUT THEY COULD INCLUDE ITEM NUMBER 69 RELATED TO THE AUSTIN REVITALIZATION AUTHORITY, ITEM NUMBER 71, LEGAL ISSUES REGARDING THE CITY OF AUSTIN VERSUS REICHHOLD, INC. ITEM 72, LEGAL ISSUES REGARDING THE LOST CREEK M.U.D. ANNEXATION AND/OR S.P.A. LEGAL ITEMS RELATED TO ITEM 73, POTENTIAL ITEMS REGARDING WATER TREATMENT PLANT NUMBER 4. ALSO POTENTIAL LEGAL ITEMS POSTED AS ITEM 117 REGARDING THE PROPOSED AGREEMENT WITH THE LCRA. WE MAY ALSO PURSUANT TO SECTION 551.072 TAKE UP SOME REAL ESTATE MATTERS. THOSE COULD INCLUDE ITEM NUMBER 74, AGAIN RELATED TO WATER TREATMENT PLANT NUMBER 4. ITEM 77, REGARDING THE PROPOSED SALE OR LEASE OF THE SEE HOME.....SEAHOLM POWER PLANT. AND ITEM 78, POTENTIAL LEASE OF LAND AT BERGSTROM AIRPORT. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING OUT OF CLOSED SESSION RIGHT AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION, BUT BEFORE WE LEAVE, WE COULD HAVE A QUICK QUESTION FOR MR. HILGERS.

SINCE HE RAN ALL THE WAY BACK IN, I DIDN'T KNOW PAUL STILL HAD THOSE KIND OF MOVES LEFT IN HIM. BEING TODAY IS A MILESTONE FOR YOU, I'M GLAD TO SEE YOU ARE IN SUCH GOOD SHAPE, BUT I WANT TO WISH YOU A HAPPY BIRTHDAY.

THANK YOU VERY MUCH. I APPRECIATE IT VERY MUCH.

Mayor Wynn: WE ARE NOW IN CLOSED SESSION. THANK YOU. WE ARE OUT OF CLOSED SESSION AND EXECUTIVE SESSION.

WE TOOK UP ITEM THE NUMBER 72, LEGAL ISSUES REGARDING THE CREEK MUD SPA AS WELLS A ITEM NUMBER 117, LEGAL ISSUES REGARDING THE PROPOSED AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE LCRA. WE ALSO TOOK UP REAL ESTATE MATTER NUMBER 78, THE POTENTIAL LAND LEASE AT AUSTIN-BERGSTROM INTERNATIONAL AIRPORT. NOW WE ARE BACK IN OPEN SESSION. I'M SORRY, NOT AND WILL NOT TAKE UP ITEMS NUMBER 76, 79, 75 OR 80. WE STILL HAVE A NUMBER OF ITEMS TO TAKE UP LATER TODAY. WE ARE NOW IN OPEN SESSION. BACK FOR OUR GENERAL CITIZEN COMMUNICATION. OUR FIRST SPEAK THEY ARE AFTERNOON IS JULIA DWORSCHACK. WELCOME BACK, JULIA. YOU HAVE THREE MINUTES AND WILL BE FOLLOWED BY ANN AED SJANETTE JONES.

SHE IS HERE AND WOULD LIKE TO GIVE ME HER THREE MINUTES S. THAT POSSIBLE?

THAT IS POSSIBLE. WELCOME.

TODAY IS A RESPONSE TO THE ISSUES I HAD WITH THE CITY PRESENTED EARLIER REGARDS THE PRESS PASS BY TWO TOWN LAKE OFFICER, ANIMAL CONTROL CENTER. THE CITY WROTE THAT THE OFFICERS DID NOT SEE A TRESPASS SIGN. THE SIGN HAS BEEN THERE FOR OVER A DECADE AND, NUMBER, IN RESPONSE TO WHETHER OR NOT A TLAC IS ALLOWED TO PRESS PASS, THE CITY WROTE, QUOTE, SIGN MUST BE READ BY THE OFFICERS WHO ENTER THE PROPERTY. THIS IS THE SIGN THAT IS AT MY PROPERTY AND THE ONLY WAY TO KNOW WHERE MY PROPERTY IS. IN RESPONSE TO MY COMPLAINT OF APD CRUELTY OFFICER SHOWS SHOWING UP AT MY PROPERTY AFTER THE 19 DAY COMPLAINT WAS CLOSED TO, QUOTE, TALK ABOUT THE COMPLAINT, END QUOTE, THE OFFICER WENT TO YOUR RESIDENCE TO TALK BUT TO VACCINATION RECORDS BUT WHEN OFFICER DUNCAN CALLED ME WE HAD A 15-MINUTE CONVERSATION AND NOT ONE WORD WAS SPOKEN BY HER ABOUT VACCINATION RECORDS, NOT ONE WORD. THIS WAS WHAT I BELIEVE TO BE THE BEGINNING OF CIVIL RACKETEERING AND WHAT IS WITH ONE ARM OF AN AGENCY GOES AFTER SOMEONE, CANNOT GET THE RESULTS THEY WANT AND SENDS ANOTHER AGENCY TO HARASS THEM

WITHOUT JUST CAUSE. FOUR. AFTER SPEAK AGENT CITY COUNCIL ABOUT TOWN LAKE ANIMAL CENTER EMPLOYEES PRESS PASSING AND MY 4th AMENDMENT RIGHTS BEING VIOLATED, OUT OF NOWHERE, CODE ENFORCEMENT ENTERED THE PICTURE, AND THEY WANTED TO COME TO MY PROPERTY TO INVESTIGATE A COMPLAINT OF UNSAFE BUILDING STRUCTURE AND DANGEROUS CONDITIONS. I SUSPECTED ANOTHER ANONYMOUS COMPLAINT LIKE THE ANONYMOUS 21-DOG COMPLAINT AND REMEMBER, I HAVE ONE DOG. THE CITY RESPONDED THAT THEY DO HAVE A NAME TO THE COMPLAINT, BUT THAT IT IS PROTECTED BY LAW. AND I SAID I NEEDED TO KNOW WHAT LAW THAT WAS. THIS IS NOT A CASE OF NATIONAL SECURITY OR CHILD ABUSE, THE CONSTITUTION STATES THAT I HAVE THE RIGHT TO FACE AN ACCUSER. WHAT NEGATES THE CONSTITUTION. I BELIEVE THIS IS ANOTHER PART OF THE CIVIL RACKETEERING PROCESS TAKING PLACE. I BELIEVE IT IS A CITY EMPLOYEE WHO IS THE COMPLAINT AND THE IN RETALIATION ABOUT SPEAKING OUT ABOUT TRESPASS AND 4th AMENDMENT VIOLATIONS, I WOULD ASK THE CITY TO INVESTIGATE THE NAME AND CIVIL RACKETEERING BUT GIVEN THE CITY'S RESPONSE TO MY CHARGE WAS THEY DIDN'T READ THE SIGN. NERVE FAITH THAT A RELIABLE CHECKS AND BALANCES SYSTEM IS IN PLACE WITH THE CITY. TO CONTINUE ON FROM THAT SPEECH, I TOLD CITY COUNCIL ABOUT THE ANONYMOUS 21-DOG COMPLAINT, THE PRESS PASS BY TWO CITY -- TRESPASS BY TWO CITY EMPLOYEE, VIOLATION BY MY 4th AMENDMENT RIGHT TO BE FREE OF UNREASONABLE SEARCH, THE VISIT OF THE OFFICER WITHOUT JUST CAUSE. IN ADDITION THERE WAS COMPLAINT OF UNSAFE BUILDING STRUCTURE AND DANGEROUS CONDITION AND A SOLID WASTE MANAGEMENT CODE ENFORCEMENT INVESTIGATOR CALLING ON ME TO GAIN ACCESS TO MY PROPERTY. THIS IS AFTER I COMPLAINED. I HAD SUSPECTED THAT THE UNSAFE BUILDING COMPLAINT WAS GOING TO BE ANONYMOUS. THE ASSISTANT CITY MANAGER'S OFFICE ASSURED ME THERE WAS A NAME TO THE COMPLAINT BUT IT WAS PROTECTED BY LAW. MADE AN OPEN RECORDS A REQUEST ASKING FOR THE NAME AND DETAILS ABOUT WHAT BUILDING AND WHAT ABOUT IT WAS UNSAFE. THE REPLAY WAS PLEASE FIND THE ATTACHED CASE HISTORY. THE COMPLAINT AND THE WAS

NOT IDENTIFIED, WE ACCEPT MOST COMPLAINTS ON AN ANONYMOUS BASIS, THEREFORE THIS IS NOT UNUSUAL. AS FOR A DETAILS DESCRIPTION OF THE UNSAFE STRUCTURE THE INVESTIGATOR DETERMINED THAT THE ORIGINAL COMPLAINT WAS ERRONEOUS AND BECAUSE NO VERIFICATION WAS IDENTIFIED, IT WAS NOT LOGGED. ALL ALTHOUGH THE ORIGINAL COMPLAINT STATED BUILDING/STRUCTURE UNSAFE OR DANGEROUS CONDITION THE INVESTIGATOR FOUND THIS TO BE INCORRECT FOLLOWING THE INVESTIGATION. APPARENTLY THE ACTUAL COMPLAINT CONCERN AD POTHOLE IN FRONT OF 7200, WHICH HAS BEEN REPAIRED THIS, CASE HAS BEEN CLOSED. WHAT IS STRANGER YET IS THE LAST TWO ENTRIES IN THE INVESTIGATOR'S LOG DOCUMENTS THAT CALL WAS MADE TO THE COMPLAINANT AND LATE THEIR DAY THEY RETURNED THE CALL. I CAN ASSURE YOU THAT CALLING THE CITY ABOUT A POTHOLE IS NOT PROTECTED BY LAW, JUST CHECK THE HANDBOOK ON OPEN RECORDS REQUEST UNDER WHAT IS EXEMPTED. WHAT IS BEING PROTECTED HERE? DOES ANYONE ON CITY COUNCIL SEE THIS GIANT LIST OF BOGUS COMPLAINT, DEFIANCE OF LAW AND PROTOCOL? EXPLANATIONS THAT DON'T HOLD WATER, AS AN AMAZING SEQUENCE OF UNBELIEVABLE COINCIDENCES? I THANK YOU FOR YOUR TIME, AND I AM OPEN FOR COMMENTS.

MAYOR WYNN: THANK YOU. COMMENT, QUESTION, COUNCIL? I WILL SAY, JULIA, I FIND IT TROUBLING, THE VERY LENGTHY SERIES OF EVENTS AND/OR POTENTIAL COINCIDENCES, AND I'VE ASKED FOR AN EXPLANATION AND HOPE I WILL GET PIECES OF THAT. I KNOW IT IS COMPLICATED AND OFTEN TIMES CAN'T FOLLOW EACH OF THESE INDIVIDUALLY, BUT I WILL CONTINUE TO LOOK AT THAT.

THANK YOU, MAYOR.

MAYOR WYNN: THANK YOU.

SO OUR NEXT SPEAKER WILL BE RICHARD TROXELL WHO YOU SAW IN THE BUILDING EARLIER AT LEAST. YOU WILL HAVE THREE MINUTES AND FOLLOWED BY CAROL ANN ROSE KENNEDY AND FOLLOWED BY MARK ROGERS.

THANK YOU, MR. MAYOR, COUNCIL MEMBERS. STOP

CRIMINALIZING HOMELESSNESS. STOP CRIMINALIZING HOMELESSNESS. WHAT DOES THAT MEAN WHEN WE SAY THAT? WELL, TODAY I'M GOING TO EXPLAIN WHAT THAT MEANS. I'M GOING TO DESCRIBE THE FOUR PHASES OF THE CRIMINALIZATION OF HOMELESSNESS CYCLE. THE FIRST PHASE, DOWNTOWN BUSINESSES PAY POOR WORKING PEOPLE SO LITTLE THAT THEY CANNOT AFFORD THE BASICS OF LIFE, FOOD, CLOTHING, SHELTER, AND THEY THEN BECOME HOMELESS. IN PHASE TWO, THE BUSINESSES AND THEIR FRIENDS AND CITY COUNCIL THEN PASS LAWS AGAINST THEIR CONDITION OF BEING HOMELESSNESS, IE, IT NO SITTING NO CAMPING NO LYING DOWN, NO SOLICITATION, QUALITY OF LIFE ORDINANCES AS THEY CALL THEM FOR WHICH THESE POOR PEOPLE THEN RECEIVE \$200-PLUS FINES. IN PHASE THREE, BUSINESSES AND THEIR SPECIAL INTEREST, CITY COUNCIL MEMBER, CREATE A COMMUNITY CORP AND IN LIEU OF PAY THE FINES THEY CANNOT AFFORD, HOMELESS PEOPLE ARE TURNED INTO A FREE LABOR FORCE FOR THE CITY WHEN THEY PERFORM, QUOTE, COMMUNITY SERVICE. THEN, FINALLY, IN PHASE FOUR, WHEN PEOPLE HAVE BECOME HOMELESSNESS AND HAVE NO ALTERNATIVE, BUT TO PETITION THEIR FELLOW CITIZENS FOR FINANCIAL HELP, DOWNTOWN BUSINESSES AND CITY COUNCIL LABEL THEM AS CRIMINALS AND DECRY THEIR SURVIVAL ACTIVITY OF PANHANDLING AS UNSAFE, WHILE AT THE SAME TIME PASSING LAWS THAT ALLOW OTHERS TO CONDUCT IDENTICAL ACTIVITIES. HOUSE THE HOMELESS DOES NOT PROMOTE OR ENCOURAGE PANHANDLING BUT AS LONG AS PEOPLE CANNOT ACCESS THE SUBSIDIES AND AS LONG AS BUSINESSES FALL SHORT OF PAYING OUR WORKERS, LIVING WAGES, THEN I WILL DEFEND TO THEIR DEATHS THEIR RIGHT TO PETITION THEIR FELLOW CITIZENS FOR HELP. THANK YOU. I'M RICHARD TROXELL, PRESIDENT OF HOUSE THE HOMELESS.

MAYOR WYNN: THANK YOU RICHARD, I HOPE YOU WILL BE ABLE TO JOIN US LATER THIS AFTERNOON AS WE HAVE OUR STAFF BRIEFING ON POTENTIAL RELATED ORDINANCE AMENDMENTS.

THANK YOU, MR. MAYOR, I APPRECIATE THAT. I WILL BE OUT OF COUNTRY, AND WE WILL HAVE PEOPLE THEIR LISTEN TO

THE BRIEF, THANK YOU MUCH.

MAYOR WYNN: THANK YOU OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. YOU WILL HAVE THREE MINUTE, TO BE FOLLOWED BY MARK ROGERS.

WELCOME BACK COUNCIL. THE PLEDGE OF ABBYGENTS. I PLEDGE ALLEGIANCE TO THE FLAGS, THE PLEDGE OF ALLEGIANCE. THANK YOU. OF THE RENIGHTED STATES OF AMERICANS, THE UNITED STATES SURROUNDING TEXAS, AND TO THE REPUBLICANS WHO I CAN'T STAND, WE ARE ONE NATION, WE ARE UNDER GODS, WE ARE UNDIVIDABLE, WITH LIBERTY AND JUSTICE, I LOVE YOU ALWAYS. AND NOW, A MOMENT OF PRAYER. YOU HAVE THE RIGHT TO REMAIN SILENT. YOU HAVE THE RIGHT TO REMAIN STUPID. I MEAN SILENT. BUT EVIDENTLY, I DON'T HAVE THE ABILITY AT THIS POINT IN TIME AND SPACE. PLEASE CLOSE YOUR EYES AND BOW YOUR HEADS OR FEEL FREE TO WALK OUT ON ME. GOD GRANT Y 'ALL THE SERENITY TO ACCEPT THE THINGS CAN YOU NOT CHANGE AND THE WAY TO CHANGE THE THINGS I CAN, AND THE WISDOM, NO, THE SMART ASS, TO KNOW THE DIFFERENCE. AMEN, HALLELUJAH, AND PRAISE THE LANDLORD. THANK YOU.

THANK YOU.

MAYOR WYNN: THANK YOU. NEXT SPEAKER IS MARK ROGERS. WELCOME BACK. VUL THREE MINUTES, TO BE FOLLOWED BY PAUL ROBINS.

GOOD AFTERNOON, MAYOR, MEMBERS OF CITY COUNCIL. MY NAME IS MARK ROGERS, AND I'M HERE TODAY TO HELP TO YOU URGE TO YOU MOVE FORWARD AND QUICKLY WITH THE HOME PRESERVATION DISTRICT. AS YOU KNOW THEY PASSED HOUSE BILL 525 AND RECENTLY HOUSE BILL 470 THAT CREATED THE HOMESTEAD PRESERVATION DISTRICT. THE DISTRICT IS COMPOSED OF THREE POLICY TOOLS DESIGNED TO FACILITATE THE CREATION AND PRESERVATION OF HOUSING IN EAST AUSTIN THAT SAY FORDABLE TO THE TRADITIONAL LOW TO MODERATE INCOME RESIDENTS IN THE AREA. THE THREE TOOLS ARE LAND TRUST, LAND BACK AND TAX INCREMENT FUND OR TIFF. I'VE COME TO DID YOU IMPLEMENT WORK IMMEDIATELY

ON THE TIFF, THE INSTRUMENT THAT WILL MOVE IT FORWARD BUT PROVIDING ADDITIONAL REVENUE TO BUY AND BUILD PROPERTIES THAT CAN BE PRESERVED AS AFFORDABLE HOUSING FOR GENERATIONS TO COME. THE TIFF WILL ALSO PROVIDE REVENUE TO UPGRADE EXISTING AND BUILD NEW INFRASTRUCTURE NEEDED FOR AFFORDABLE HOUSING PROJECTS. AS YOU KNOW, TIFF FINANCING IS NOTHING NEW. THIS FORM OF FINANCING COMING FROM CHAPTER 311 OF THE TEXAS TAX CODE AND IN FACT, HERE IN SPIN, THE WALLER CREEK TUNNEL PROJECT IS BEING FUND WITH THE TIPF AT 1 TURN% OF THE -- 100% OF THE TAX INCREMENT. THIS IS TO SAY IT GOES DIRECTLY TO THE TUNNEL PROJECT. I URGE TO YOU PLACE THE SAME IMPORTANCE ON THE HOMESTEAD PRESERVATION DISTRICT AS TIFF, WHEREAS IN THE TUNNEL PROJECT THEY WILL NOT REAP VALUE BUT THE LOW INCOME RESIDENT WILL BE ABLE TO CONTINUE TO LIVE IN THE HOMES AND NEIGHBORHOODS THEY TREASURE WITH RAPIDLY INCREASING PROPERTY VALUES IN EAST AUSTIN I WANT TO EMPHASIZE THE NEED FOR COUNCIL TO USE THE TIFF. BOTH THE COUNTY AND CITY PARTICIPATE QUICKLY AND FULLY. WHILE I KNOW YOU USE THIS POLICY TOOL, YOU MAY QUESTION THE LEVEL OF SUPPORT THE CITY SHOULD DIRECT TO IT. IS REASON TO BELIEVE DIRECT THE IMPACT ON THE HOUSING WHEN IT MIGHT OTHERWISE GO TO CITY SERVICES IN THE AREA, HOWEVER I ASK TO YOU THINK OF THE IMPACT OF NOT FULLY FUNDING THE TIFF. UNSTABLE NEIGHBORHOOD, CITIZENS WHO FEEL DISENFRANCHISED, YOUNGS CONSTANTLY CHANGING SCHOOLS AS THEIR PARENTS SEEK AFFORDABLE HOUSING AND LOSING THE OPPORTUNITY FOR JOB, HEALTHCARE, SERVICES BECAUSE THEY ARE RELEGATED TO THE OUTSKIRTS OF OUR CITY. TIFF SUPPORTS AFFORDABLE HOUSING IN EAST AUSTIN AND WILL DIRECT TAX REVENUE FROM WITHIN THE ZONE BACK TO HOUSING THAT IS AFFORD TO BELIEVE EAST AUSTINITES. THANK YOU FOR YOUR HARD WORK AND CONSIDERATION.

THANK YOU, MARK FOR YOUR LONG STANDING TRACK RECORD HELPING US. OUR NEXT SPEAKER IS PAUL ROBBINS. WELCOME, PAUL. VUL THREE MINUTES, TO BE FOLLOWED BY JIMMY CASTRO.

MAYOR, COUNCIL, CITIZENS OF AUSTIN. I'M PAUL ROBBINS,

I'M AN ENVIRONMENT ACTIVIST AND CONSUMER ADVOCATE. IT IS WELL-KNOWN THE CITY COUNCIL IS CONSIDERING AN ELECTION ON REVISIONS TO THE CITY CHARTER IN THE NEAR FUTURE. I'M ASKING THE COUNCIL TO TAKE UP THE ISSUE OF VOTER APPROVAL OF REVENUE BOND WHICH IS THEORETICALLY IS ALREADY IN THE CITY CHARTER. ARTICLE 7, CHAPTER 11 OF THE CHARTER READS, QUOTE, ALL REVENUE BONDS ISSUED BY THE CITY SHALL FIRST BE AUTHORIZED BY A MAJORITY OF QUALIFIED ELECTORS VOTING AT AN ELECTION HELD FOR THIS PURPOSE, BUT THIS CHARTER PROVISION IS ROUTINELY VIOLATED. CITIZEN RIGHTS FOR ECONOMIC AND ENVIRONMENTAL SELF DETERMINATION ARE ROUTINELY IGNORED. TO PUT THIS IN THE HILLSBORO PERSPECTIVE -- HISTORICAL PERSPECTIVE, THE CITY FOLLOWED THIS CHARTER PROVISION FAIRLY STRICTLY UNTIL 1984 BUT A FORMER CITY COUNCIL SIGN A DEAL OR HIGH WATER CONTRACT TO PARTICIPATE IN THE SOUTH TEXAS NUCLEAR PROJECT, COST OVER RUNS PUSHED THE PROJECT UP 460%. THERE WAS NO MORE CITIZEN-AUTHORIZED DEBT AUTHORITY. THE COUNCIL DID NOT THINK THE VOTERS WOULD GIVE THEM ANY MORE AUTHORITY. SINCE THE STATE LAW ALLOWED THE SALE, IT TRUMPED CITY LAW AND THE BONDS WERE SOLD. THE SALE OF NUKE BONDS WITHOUT VOTER APPROVAL WAS AN OUTRAGE TO THE MAJORITY OF AUSTINITES. THE CITY WAS SO CONTROVERSIAL THAT REVENUE BONDS FOR UTILITIES OTHER THAN THOSE FOR THE NEW WERE STILL VOTED ON BUT BEGINNING IN 1992, BIT, BY BIT, THE CHARTER WAS IGNORED, UNTIL NOTHING IS VOTED ON TODAY BUT FOR ELECTRIC, WATER, WASTE WATER AND DRAINAGE UTILITIES. THIS REMOVES A CRITICAL LAYER OF ACCOUNTABILITY. IF THE COUNCIL THINKS THE CHARTER PROVISION HAS OUTLIVED ITS USEFULNESS, IT NEEDS TO SUBMIT IT TO THE VOTERS FOR REVISION. NOW, I'VE HEARD IT SAID THAT ROUTINE MAINTENANCE OF A UTILITY SHOULD NOT BE SUBJECT TO POSSIBLE VOTER REJECTION, THAT THIS IS NOT A GOOD BUSINESS PRACTICE, AND IT IS A GOOD POINT, BUT WHAT HAPPENS WITH MAJOR POLICY DECISIONS, SUCH AS WATER TREATMENT PLANT NUMBER FOUR, WHERE IF AUSTIN SHOULD PARTICIPATE IN THE NEWLY-PROPOSED UNITS OF THE SOUTH TEXAS NUCLEAR PROJECT. SO I'M ASKING COUNCIL TO PLACE VOTER APPROVAL OF DEBT ON

THE BALLOT SO THAT VOTERS CAN CHANGE THIS POLICY IF THEY SEE FIT, OR REINVIGORATE THIS CUSTOM IF THEY DECLINE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. ROBBINS. JIMMY CASTRO, WELCOME. VUL THREE MINUTES, TO BE FOLLOWED BY BILL WIGMORE.

THANK YOU, I'M HERE TO SPEAK ON MY OWN BEHALF. I DO HAVE SLIDES TO SHOW THIS AFTERNOON. THIS FIRST SLIDE THOUGHTS AS FOR UNIVERSITIES SHOW GENUINE EFFORTS TO RECRUIT HISPANIC STUDENTS THE NUMBER ONE QUESTION PARENTS ASK IS WHICH SCHOOLS ARE THE BEST OF THE NATION. THE RESULTS ARE IN. HISPANIC BUSINESS MAGAZINE CEMENT EDITION FEATURES SCHOOLS THAT RULE. TOP TEN BEST SCHOOLS FOR HISPANIC, BUSINESS, ENGINEER, LAW AND MEDICINE. THE TOP TEN BEST BUSINESS SCHOOLS RANK NUMBER TWO IN THE NATION, THE UNIVERSITY OF TEXAS AT AUSTIN, MCCOMB SCHOOL OF BUSINESS. THE TOP TEN BEST ENGINEERING SCHOOLS FOR HISPANICS RANK ONE IN THE NATION. YOU HAVE OF TEXAS IN EL PASO, COLLEGE OF ENGINEERING. RANKED NUMBER SIX IN THE NATION, UNIVERSITY OF TEXAS AT AUSTIN COLLEGE OF ENGINEERING. THE TOP TEN BEST LAW SCHOOLS FOR HISPANIC STUDENTS RANK NUMBER THREE IN THE NATION, THE UNIVERSITY OF TEXAS AT AUSTIN, SCHOOL OF LAW. THE TOP TEN BEST MEDICAL SCHOOLS FOR HISPANIC STUDENTS RANK NUMBER ONE INSPECT NATION, UNIVERSITY OF TEXAS, SOUTHWESTERN MEDICAL SCHOOL OF DALLAS. THIS IS WHY WE NEED TO CONTINUE TO PUSH FOR UNIVERSITY OF TEXAS MEDICAL SCHOOL AT AUSTIN. THE INTENT IS TO FORTIFY TWO CRUCIAL COMPONENTS OF THE AUSTIN ECONOMY, SCIENTIFIC RESEARCH AND HEALTHCARE. AUSTIN IS THE NATION'S SECOND LARGEST CITY, AFTER PHOENIX WITH NO MEDICAL SCHOOL THE LACK OF A MEDICAL SCHOOL AND ONE TEACHING HOSPITAL IS A DETRIMENT TO AUSTIN. OF THE SUCCESSFUL BIOTECH PARKS TRY TO LINK WITH A MEDICAL SCHOOL. UNLESS THE AUSTIN AREA ATTRACT AS MEDICAL SCHOOL, ASSOCIATED RESEARCH DOLLAR, JOBS WILL CONTINUE TO GOTORY AREA, SUCH AS RALEIGH-DURHAM, NORTH CAROLINA, SAN DIEGO AND SEATTLE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. CASTRO. WELCOME, BILL. YOU WILL HAVE THREE MINUTE, TO BE FOLLOWED BY LARRY HARGROVE.

THANK YOU. THIS VERY COVER REMONTH, NATIONALLY AND SO I BRING YOU GREETINGS FROM THE BEHAVIORAL HEALTH PLANNING PARTNERSHIP OF THE COMMUNITY ACTION NETWORK COALITION OF FOLKS WHO WORK TOGETHER ON MENTAL HEALTH AND ALCOHOL AND SUBSTANCE ABUSE ISSUES. THERE ARE THOUSANDS OF PEOPLE WHO AREER IN AUSTIN TODAY. THIS IS -- SOBER IN AUSTIN TODAY. THIS IS AN ILLNESS WE TREAT AND YET IT IS A VERY MISUNDERSTOOD ILLNESS THAT CARRY AS GREAT DEAL OF STIGMA, AND WE NEED TO PRESENT THE FACE OF RECOVERY THAT PEOPLE CAN REALLY RECOVER FROM THIS ILLNESS. THE MAYOR HAS ASKED ME TO BRING TO YOU A PROGRESS REPORT. THE MAYOR SERVE ON THE BOARD ELECTION COMMITTEE, WE MEET EVERY DECEMBER WITH COUNTY JUDGE AND ELECT VOLUNTEER MEMBERS OF OUR BOARD OF DIRECTERS.

... TO BECOME AN AFFORDABLE ALTERNATIVE FOR PEOPLE TO PAY FOR TREATMENT. SO WE CHARGE \$5,000 FOR 30 DAYS OF TREATMENT. MORE THAN HALF OF OUR BEDS, OUR 128 BEDS, HAVE NOW BEEN FILLED BY PEOPLE WHO ARE PAYING DIRECTLY FOR SERVICES AND GETTING GOOD QUALITY SERVICES. AND WE ARE IN THE PROCESS UNFORTUNATELY OF IF WE DON'T DO SOMETHING, WE'RE GOING TO PUSH OUT THE FOLKS WHO RELY ON US FOR OUR STATE-FUNDED, CITY/COUNTY CONTRACTS AND THINGS LIKE THAT. SO OUR BOARD ELECTED TO ADD 100 BEDS SO WE WILL BE GROWING. WE'RE DOING A CAPITAL CAMPAIGN. IT'S A \$5 MILLION CAMPAIGN. WE HAVE RAISED, I'M HAPPY TO REPORT, ALMOST \$4 MILLION IN UNDER A YEAR SO WITH THE MAJORITY COMING FROM OUR OWN BOARD MEMBERS. SO WE'VE BEEN REALLY SUCCESSFUL WITH THAT AND WE THANK THE MEMBERS OF THE COMMUNITY WHO HAVE DONATED. WE'RE DOING THAT IN HONOR OF EDITH ROYAL. I PRESENTED SOME MATERIAL THERE FOR YOU. EDITH IS, OF COURSE, COACH ROYAL'S WIFE, AND SHE HAS HELPED MANY, MANY HUNDREDS OF PEOPLE FIND THEIR WAY TO TREATMENT OVER THE YEARS SHE'S SERVED ON OUR BOARD AND IT'S REALLY TIME THE COMMUNITY

ACKNOWLEDGED HER AND WE HOPE SOME DAY THAT AUSTIN RECOVERY WILL -- ITS CAPACITY WILL OUTRANK THE -- HER HUSBAND'S LITTLE FACILITY OVER THERE THAT I THINK HOLDS 88,000 OR SOMETHING. BUT THE NEED THIS THIS STATE IS HUGE AND WE DEvised A REAL WAY TO BE AFFORDABLE FOR PEOPLE, TO CONTINUE DOING THE LIMITED CITY/STATE MONEYS THAT ARE AVAILABLE. SO THERE IS THE REPORT. THINGS ARE GOING WELL AT AUSTIN RECOVERY. IF I GOT 30 SECONDS MORE, TRAVIS MOREFORD WAS A YOUNG MAN WHO DIED IN THIS COMMUNITY ABOUT THREE MONTHS AGO. HE DIED OF A DRUG OVERDOSE. I WAS AT HIS FUNERAL SERVICE AND HIS MOM CAME UP TO ME AND SHE SAID, YOU KNOW, MANY OF THE KIDS FROM OUR COMMUNITY -- THIS IS A WEST LAKE KID WHO DIED, 25 YEARS OLD. AND MOM SAID, HIS FEE AND YOU SAY WAS SAYING SIX OF HER FRIENDS WERE DYING, FRIENDS WERE SAYING 10 OF MY FRIENDS DIED. WE'RE TALKING ABOUT PEOPLE UNDER 30 YEARS OLD DYING FROM DRUG ADDICTION AND ALCOHOLISM. AND I THINK WHAT HAPPENED IN PLANO A NUMBER OF YEARS AGO WHEN THE PEOPLE ON THE RIGHT SIDE OF THE TRACK, WHEN THEIR SONS AND DAUGHTERS WERE DYING AS A RESULT OF HEROIN OVERDOSES, THE COMMUNITY CAME ALIVE AND IT SAID WHAT ARE WE DOING HERE, WHAT ARE WE DOING BEING 50th AMONG THE STATES, PUTTING PEOPLE IN JAILS, NOT PROVIDING DETOX WHEN PEOPLE WANT IT. WHY DO WE WAIT UNTIL THE LAST MOMENT BEFORE WE'RE GOING TO STEP FORWARD AND DO SOMETHING. I MEAN REALLY A DISGRAY TO WHEN IT COMES TO HOW WE HAVE TREATED THE ALCOHOLICS, THE ADDICTS WHO HAVE THIS BRAIN CHEMISTRY DISEASE. THE UNIVERSITY OF TEXAS PEOPLE TELL US THAT. AND TRAVIS' MOM IS REALLY GETTING READY TO GET PEOPLE TOGETHER. THEY ARE GETTING COUNSELORS TO COME INTO EANES SCHOOL DISTRICT TO WORK WITH THE STUDENTS. THERE'S GOING TO BE A COMMUNITY MEETING AT WEST LAKE ON OCTOBER 17th TO BEGIN RAISING THE CONSCIOUSNESS AND HER THING IS HER SON DID NOT DIE IN VAIN. THAT OUT OF THIS WILL COME A GREATER AWARENESS THAT AUSTIN HAS A HUGE PROBLEM THAT IT IS REALLY NOT DEALING WITH AND IT IS TIME TO DO SO. MAYOR, I THANK YOU SO MUCH FOR THE HELP YOU HAVE GIVEN US IN THE PAST AND I GUESS I'LL TAKE ANY

QUESTIONS IF YOU'VE GOT ANY OR MY THANKS AND I'M OUT OF HERE IF NOT.

Mayor Wynn: THANK YOU. WE DO APPRECIATE YOU COME DOWN. I ASKED YOU TO COME AND REMIND US OF THE IMPORTANT WORK WE HAVE IN THE RECOVERY CENTER. COUNCILMEMBER LEFFINGWELL.

Leffingwell: THIS IS KIND OF RELATED, THESE ARE MENTAL HEALTH ISSUES. I ATTENDED A MEETING YESTERDAY WHERE WE LEARNED AUSTIN IS DEAD LAST AMONG CITIES IN TEXAS FOR THE WORK THAT IT DOES TO PROVIDE MENTAL HEALTH SERVICES AND ADDICTION SERVICES, AND ACTUALLY THAT'S BEGINNING TO IMPACT US BECAUSE AS WE APPLY FOR STATE FUNDS, THE STATE LOOKS AT THE COMMUNITY FIRST AND WANTS TO KNOW WHAT YOU ARE DOING FIRST. IF YOU ARE NOT DOING ANYTHING, THAT HURTS YOUR CHANCES OF GETTING STATE FUNDS FOR THAT PURPOSE TOO. SO WE'VE GOT TO GET BACK IN THE MAIN..... MAINSTREAM. IT'S VERY UNCHARACTERISTIC OF AUSTIN, I THINK, TO BE DEAD LAST IN THIS KIND OF THING AND WE'RE WORKING RIGHT NOW TO TRY TO REVERSE THAT. OF COURSE, IT'S PRIMARILY -- THE CITY HAS A ROLE TO PLAY. IT'S PRIMARILY A HOSPITAL DISTRICT FUNCTION, BUT CERTAINLY WE'RE GOING TO HAVE A..AN IMPACT AND WE'RE GOING TO TRY TO DO THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS, COMMENTS? THANK YOU VERY MUCH. AS BILL POINTED OUT EARLIER, JUDGE BISCOE AND I SERVE AS CO-CHAIRS, I GUESS, OF THE ELECTIONS COMMITTEE WHEREBY WE APPROVE THE BOARD OF DIRECTORS OF AUSTIN RECOVERY. AND I TELL YOU, THE QUALITY OF THE FOLKS WHO ARE STEPPING FORWARD AND WILLING TO SERVE ALONGSIDE BILL ON THAT BOARD IS REMARKABLE AND I THANK THOSE CITIZENS WHO HAVE STEPPED UP AND SERVED THAT FUNCTION. THANK YOU, BILL. OUR NEXT SPEAKER IS LARRY SHANNON HARGROVE. WELCOME, MR. HARGROVE. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY DAVID KOBIEROWSKI. SORRY IF I MISPRONOUNCED THAT NAME. WELCOME, LARRY.

THANK YOU VERY MUCH FOR YOUR TIME TODAY. I WOULD LIKE TO SAY THAT I AM LARRY SHANNON HARGROVE. I AM A

NATIONAL RECORDING ARTIST AS WELL AS A MENTOR AND A VERY PROUD CITIZEN OF THIS CITY OF AUSTIN, TEXAS. MAYOR, I THANK YOU FOR ALL OF YOUR GREAT VISION ON GLOBAL WARMING AND I'M TELLING YOU THAT FOR A REASON BECAUSE I KNOW THAT YOU HAVE THE CAPACITY TO UNDERSTAND WHAT I'M GOING TO TALK TO YOU ABOUT. THREE MINUTES IS NOT MUCH TIME SO I'LL TALK FAST. MS. TOBY FUTRELL, I UNDERSTAND YOU FOR YOUR GREAT SERVICE, I UNDERSTAND THE CITY IS GOING TO BE LOSING YOU, BUT I HAVE ONE MORE GREAT JOB FOR YOU TO DO. MY IDEA ABOUT MAKING AUSTIN A GREAT CITY IS THAT WE HAVE HAD SOME BAD PUBLICITY WITH POLICE KILLING SOME OF OUR YOUTH AND THINGS LIKE THAT. AND I STARTED TALKING ABOUT THIS AFTER WE LOST SOPHIA KING AND THEN THERE WAS JESSE LEON, MICHAEL CLARK, DANIEL ROCHA, KEVIN BROWN. I STARTED DOING WORKSHOPS AND TALKING IN THE COMMUNITY, MEETING WITH CHURCH GROUPS AND STUFF LIKE THAT. I STARTED TRYING TO EXPLAIN TO THE CITIZENS THE PROPER WAY TO RESPOND WHEN BEING CONFRONTED WITH A POLICE STOP. INHERENTLY I AM VERY PRO-POLICE AND SO AS I DO MY WORKSHOPS, I'M NOT DOWNING THE POLICE DEPARTMENT, BUT I THINK THAT THE POLICE TAKE EXTENSIVE TRAINING IN HOW TO CONDUCT A POLICE STOP, BUT IT DAWNED ON ME THAT WHO IS TEACHING THE CITIZENS HOW TO RESPOND TO THE TRAINING THAT THE POLICE HAVE. SO WHAT I'M TALKING ABOUT IS SORT OF A CROSS-CULTURE TRAINING, BUT TRYING TO MAKE SURE THAT OUR YOUNG PEOPLE ESPECIALLY, I SAY WHEN THEY ARE BEING CONFRONTED BY POLICE, DON'T DO ANYTHING TO MAKE THE POLICE OFFICER FEEL LIKE THAT HIS LIFE MAY BE IN JEOPARDY. KEEP YOUR HANDS WHERE HE CAN SEE THEM. IF IT'S AT NIGHT, TURN THE DOME LIGHT ON. I DID A WORKSHOP AT LBJ HIGH SCHOOL LAST SATURDAY. I PARTICULARLY WANTED -- I KNEW THEY WOULD UNDERSTAND. AND WE DID LITTLE [INAUDIBLE] WHERE I WOULD SHOW THE KIDS AND THEY HAD GREAT QUESTIONS, BUT WE ACTED OUT THE SKITS OF WHAT HAPPENS WHEN YOU ARE BEING PULLED OVER BY THE POLICE, HOW YOU CAN ESCALATE THE PROBLEM UNNECESSARILY. AND SO TO KEEP EVERYBODY SAFE, I SAID THAT, YOU KNOW, POLICE OFFICERS ARE HUMAN AND A LOT OF THEM HAVE FAMILIES THAT THEY WOULD LIKE TO GO

HOME TO AT THE END OF THE DAY BUT THERE ARE BAD PEOPLE OUT THERE. IF YOU ARE NOT A BAD PERSON, THERE WAS NO NEED FOR ANY OF THESE -- I DON'T THINK THAT WAS JUSTIFIABLE FOR THESE PARTICULAR KIDS TO HAVE BEEN KILLED, BUT THE ONE COMMON THREAD THAT I SAW IN ALL OF THAT IS THAT THEY MADE A SEQUENCE OF BAD CHOICES THAT PUT THEIR LIFE IN JEOPARDY. AND I THINK THAT WE CAN REDUCE THAT CONSIDERABLY WITH THIS PROGRAM, AND I'VE BEEN DOING THIS AND TALKING ABOUT IT, BUT I WOULD LIKE TO SEE THE CITY GET BEHIND THIS PROGRAM. I WOULD LIKE TO RAMP THIS UP A LITTLE BIT MORE. I WOULD LIKE TO HAVE, LIKE, BOOKLETS AND, YOU KNOW, A BOOK TYPE, A HANDBOOK, ILLUSTRATIONS IN SPANISH AND ENGLISH AND SO WE CAN CONTINUE TO GO INTO THE COMMUNITY AS I'M DOING NOW TALKING WITH THE YOUTH GROUPS AND STUFF AND WITH JUST CITIZENS. BUT ONE WOULD PROBABLY SAY THAT ALL OF THIS IS COMMON SENSE. MAYOR, I'VE COME TO THE CONCLUSION THAT COMMON SENSE SOMETIME MAY NOT BE AS COMMON AS WE WOULD THINK IT IS. I'M A GROWN MAN. I DID NOT KNOW THAT POLICE OFFICERS DON'T LIKE YOU TO STEP OUT OF THE VEHICLE WHEN THEY ARE BEING PULLED OVER. AND I HAVE TALKED WITH A LOT OF POLICE OFFICERS. I HAVE GOOD INFORMATION THAT I'M GIVING TO THE COMMUNITY. I KNOW WHAT THE POLICE TRAINING IS ALL ABOUT. AND I'VE BEEN DOING THIS WORK, BUT I WOULD LOVE FOR THE CITY TO GET BEHIND THIS PROGRAM. I THINK IT'S A GREAT PROGRAM. IT'S MORE THAN WE CAN DO IN A SHORT PERIOD OF TIME, SO MY TIME MAY RUN OUT BEFORE I FINISH DOING THIS PRESENTATION. BUT I HOPE THAT I HAVE GOTTEN THE GIST OF WHAT I WANT TO TALK TO YOU ABOUT ENOUGH THAT YOU WOULD ENCOURAGE SOME FURTHER MEETINGS. I'VE HAD SOME WONDERFUL CONVERSATIONS WITH THE ASSISTANT POLICE CHIEF SAM HOLT. I WAS ON ONE OF YOUR FAVORITE RADIO SHOWS, SAM, INVOLVED AND GET TO HEAR YOU TALKING THERE. BUT HE WAS ON THE -- THE NEW CHIEF OF POLICE ART SAVEDRO AND THE ASSISTANT CHIEF WERE ON KICZ RADIO. I CALLED IN AND TALKED TO THE CHIEF AND HE WAS VERY RECEPTIVE TO MY IDEA. AND I THINK IT WILL HELP KEEP AUSTIN SAFE AND I HOPE THAT WE DON'T HAVE ANY MORE KILLINGS BY POLICE OFFICERS, BUT I THINK THE CITIZENS NEED TO UNDERSTAND WHAT THEY

SHOULD DO WHEN BEING CONFRONTED BY THE POLICE. THERE ARE CERTAIN THINGS THAT MAKE POLICE OFFICERS VERY NERVOUS AND SO BY TALKING TO KIDS AND TALKING TO THE GENERAL PUBLIC AS TO WHAT TO DO AND WHAT NOT TO DO WHEN BEING PULLED OVER BY THE POLICE, I THINK IS A GREAT PROGRAM AND I WOULD LIKE FOR YOUR SUPPORT TO GET BEHIND THIS PROGRAM AND TO ASSIST ME AS I KEEP GOING INTO THE COMMUNITY TRYING TO MAKE A DIFFERENCE AND MAKE SURE THAT THIS DOESN'T HAPPEN ANYMORE. AND BEING SOMEONE WHO KEEPS UP WITH DIFFERENT THINGS, I THI THIS PROGRAM IS GREAT TO START IN AUSTIN. THAT'S WHY I MENTIONED YOUR GLOBAL WARMING SITUATION OR CONCERN IS BECAUSE YOU ARE A VISIONARY. I CAN SEE THIS STARTING IN AUSTIN. I SEE IT GOING STATEWIDE. I CAN SEE IT GOING NATIONAL MAYBE WITH T.V. ADS OR RADIO ADS, BUT THE LITTLE PRINTED BOOKLETS AND THINGS AND US GOING INTO THE COMMUNITY TALKING WITH PEOPLE AND TRYING TO TEACH THEM WHAT TO DO AND MORE IMPORTANTLY WHAT NOT TO DO. AND AS I UNDERSTAND SINCE THE CHILDREN'S MUSEUM HAS PULLED OUT OF THE AGREEMENT ACROSS THE STREET, WE MAY HAVE AN ADDITIONAL \$5 MILLION SURPLUS AND I KNOW YOUR BUDGET HAS ALREADY BEEN SET FOR THE YEAR, BUT I THINK THIS IS SUCH A GREAT PROGRAM. I'M NOT EVEN ASKING YOU FOR MONEY RIGHT NOW, BUT I'M SAYING I DO NEED YOUR SUPPORT, AND IF I KNOW THE CITY IS BEHIND THIS PROGRAM, I THINK IT'S A GREAT PROGRAM, IT'S GOING TO SAVE LIVES AND IT'S GOING TO DO SO MUCH -- SO MANY GREAT THINGS FOR THE P.R. OF THE CITIZENRY OF AUSTIN. AND IF ANYONE HAS ANY QUESTIONS, I'LL BE GLAD TO ANSWER THEM.

Mayor Wynn: THANK YOU, MR. HARGROVE. QUESTIONS FOR MR. HARGROVE. WHAT I'M VERY IMPRESSED WITH IS YOU CLEARLY ARE GOING TO HAVE MY SUPPORT AS WE TRY TO RAMP UP THE PROGRAM. MANY PEOPLE, MR. LEONARD AND OTHER FOLKS, KNOW THAT OUR POLICE DEPARTMENT IS QUITE LARGE, BUDGET IS QUITE LARGE, BUT EVEN WITHIN THAT POLICE DEPARTMENT BUDGET WE ALLOCATE FUNDS SPECIFICALLY FOR OUR COMMAND STAFF TO GO OUT AND HAVE AS MUCH OUTREACH AS PRACTICAL AND SO I CAN SEE THIS FALLING WELL INTO LINE WITH SOME -- YOU KNOW,

SOME CURRENT POLICY AND OBVIOUSLY WE'RE ALL EXCITED TO SEE CHIEF BRING US SOME NEW IDEAS AS HE ROLLS OUT MORE COMMUNITY OUTREACH, SO I THINK THIS WOULD BE A GREAT OPPORTUNITY FOR US AND YOU SHOULD BE VERY PROUD OF YOUR WORK AND WE'LL FIGURE OUT HOW TO SUPPORT THIS.

WELL, YES, SIR, I APPRECIATE IT, AND YOU HAVE MY PHONE NUMBER.

Mayor Wynn: WE HAVE YOUR C.D.S UP THERE IN THE OFFICE.

YES, I RECORDED THE SONG ABOUT AUSTIN, TEXAS AND I PROMOTE THE CITY EVERYWHERE I GO. YOU HAVE MY NUMBER. I WOULD LOVE TO HAVE SOME MEETINGS. I TALKED WITH GREG HAMILTON AND THE ASSISTANT POLICE OF CHIEF SAM HOLT WHO IS HERE TODAY AND SO I WOULD LIKE TO WORK WITH MIKE MCDONALD. I WOULD LOVE TO HAVE SOME MEETINGS AND FIGURE HOW WE CAN TAKE THIS TO THE NEXT LEVEL BECAUSE THE KIDS ARE VERY EXCITED ABOUT IT AND THE CITIZENS ARE VERY EXCITED BECAUSE SOME OF THE THINGS THEY DID NOT KNOW, YOU KNOW, WHAT TO DO AND WHAT NOT TO DO WHEN BEING PULLED OVER BY THE POLICE OR WHEN A POLICE COMES TO YOUR HOME. REAL QUICKLY BEFORE I TAKE MY SEAT, IT HAS A DOUBLE-PRONG ISSUE TO IT BECAUSE SOMETIME EVEN IN YOUR HOME WE ALL HAVE AN UNCLE BOB WHO MAY GO OFF HIS MEDICATION OR ADD A LITTLE ALCOHOL WITH HIS MEDICATION AND THEN YOU CALL THE POLICE AND THE POLICE DON'T KNOW THAT UNCLE BOB IS OFF HIS MEDICATION OR BEEN MIXING IT WITH ALCOHOL, AND SO I TRY TO TEACH PEOPLE WHEN TO CALL THE POLICE BECAUSE IF UNCLE BOB PUTS HIS HAND ON THE POLICE OFFICER OR STARTS MAKING SOME AGGRESSIVE-TYPE MOVE, THE POLICEMAN MAY KILL UNCLE BOB. I SAID CALL A FAMILY MEMBER. KNOW WHEN TO CALL 911. EVERY SITUATION IS NOT A 911 CALL. AND SO IT'S THINGS LIKE THIS THAT I WOULD LOVE TO DISCUSS AND WE'LL FIGURE OUT A WAY HOW TO SWEETEN THIS PROGRAM AND MAKE IT BIGGER AND BETTER AND I THANK YOU FOR YOUR SUPPORT.

JUST AS AN ASAD, LET'S FACILITATE A MEETING WITH MIKE AND GET CLIFF INVOLVED, OUR POLICE MONITOR. THE

COUNCIL ACTUALLY FUNDED A PROGRAM THAT COUNCILMEMBER COLE ACTUALLY CHAMPIONED THAT IN THIS LAST BUDGET THAT DOES EXACTLY WHAT YOU SPEAK TO OF TEACHING YOUNG PEOPLE ABOUT HOW TO INTERACT WITH THE POLICE AND I THINK THERE'S SOME SYNERGIES HERE WE COULD WORK ON. ROLANDON IS IN THE BACK OF THE ROOM.

I DID THAT WORKSHOP AT LBJ, I SAW COUNCILMEMBER COLE THERE, BUT I CAN ASSURE YOU THAT THIS PROGRAM IS MUCH BIGGER AND SHOULD BE GIVEN THE SPECIAL ATTENTION BECAUSE THE 15 OR 20 MINUTES THAT I HAD TO WORK WITH 10 OR 12 KIDS AT LBJ WITH THE MEN AND BOYS CONFERENCE IS DEFINITELY NOT WHAT MY VISION IS FOR --

GOOD. WE CAN BUILD ON IT.

FOR THIS PROGRAM, IT IS MUCH BIGGER THAN THAT. BUT I AM WORKING IN THAT CAPACITY AND I SPEAK TO THE PUBLIC EVERY OPPORTUNITY THAT I GET. AND SO I AM DOING THOSE WORKSHOPS ALSO AND I DID WORK WITH THE POLICE MONITOR. I KNOW FLYNN LEE AND CLIFF BROWN. SO I'M WILLING TO DO EVERYTHING I CAN TO HELP THIS CITY BECOME THE GREATEST CITY IN THE COUNTRY AND I THANK YOU SO MUCH FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. HARGROVE. OUR FINAL SPEAKER IS DAVID KOBIEROWSKI. I'M SORRY ABOUT MY MISPRONUNCIATION. WELCOME. YOU HAVE THREE MINUTES.

THANK YOU, DAVID KOBIEROWSKI. THE TOPIC AT HAND TODAY IS -- I'M A PRODUCER OF PUBLIC ACCESS TELEVISION AND RADIO TALK SHOW HOST AND I'M TRYING TO REALLY BE ABLE TO GET FOLKS MORE INVOLVED IN COMMUNITY. TO WANT TO GET OUT THERE AND GET INVOLVED. THE LAST SPEAKER WAS FANTASTIC AND YOU GUYS HAVE HAD GREAT SPEAKERS THIS MORNING TALKING ABOUT HOUSING ISSUES AND ALCOHOLICS ANONYMOUS AND WHATNOT. IT'S A REAL CHALLENGE -- I WORK FULL TIME, I TOOK OFF WORK TO COME HERE TO GET FEEDBACK ON THIS, BUT I WOULD LIKE TO GET MORE OF THE CITY INVOLVED WITH INDIVIDUALS THAT ARE STEPPING UP TO TRY TO BRIDGE THE GAPS BETWEEN WHAT'S HAPPENING DOWNTOWN, WHAT'S

HAPPENING ACROSS THE CITY AND WHAT'S HAPPENING IN THE NEIGHBORHOODS. THERE IS RIGHT NOW IN PARTICULAR I JUST LEARNED OF THIS ABOUT TWO WEEKS AGO IN MY OWN NEIGHBORHOOD THERE IS AN APARTMENT COMPLEX CALLED NORTH CASTLE APARTMENTS, AND THEY ARE LOOKING TO -- THE DEVELOPER IS LOOKING TO COME IN AND DEMOLISH THE ENTIRE COMPLEX AND THEY WANT TO BUILD VERY LUXURIOUS APARTMENTS AND TAKE THE RENTS FROM I THINK IT'S ABOUT \$650 RIGHT NOW PER -- ON AVERAGE AND THEY WANT TO GO TO \$1,600 ALL THE WAY UP TO \$2,100. AND OUR NEIGHBORHOOD, WE HAVE A CIVIC ASSOCIATION THAT WE JUST LEARNED ABOUT, IT'S A B.C.A., BALCONES CIVIC ASSOCIATION. NOBODY KNEW BIT. THERE WAS NO FLYERS GIVEN US OR ANYTHING ABOUT THIS CIVIC ASSOCIATION. THE CIVIC ASSOCIATION MET WITH THE DEVELOPER IN JUNE, WHICH 81 OF US ON OUR STREET ABOUT IT. I LIVE ON NORTH FOREST DRIVE. THEY WORKED OUT SOME KIND OF A DEAL TO ACTUALLY BUILD THIS COMPLEX. WE HEARD ABOUT IT TWO WEEKS AGO, AND MOST OF MY NEIGHBORS ARE VERY CONCERNED ABOUT IT. IT'S GOING TO TAKE TWO YEARS TO BUILD IT, AND I TALKED TO JORGE, THE NEIGHBORHOOD PLANNING DEPARTMENT, AND SUPPOSEDLY THERE WAS A SIGN PUT UP AT ONE POINT IN FRONT OF THE NORTH CASTLE APARTMENTS AND THEN IT WAS IMMEDIATELY TAKEN DOWN. I CALLED AND THEY SAID, WELL, WE CAN'T CONTROL THAT. THE CITY IS RESPONSIBLE FOR PUTTING IT UP, BUT WE CAN'T REAL ESTATE PLACE IT. I SAID HOW ARE FOLKS SUPPOSED TO KNOW ABOUT THIS. THE ENTIRE COMPLEX IS GOING TO BE TORN DOWN IF THEY GET THE DEMOLITION. THESE ARE THINGS GOING ON IN OUR NEIGHBORHOOD. I PUT TOGETHER AN EVENT, I GAVE YOU -- WE GAVE YOU THE FLIERS OUT. IT'S COMING UP SATURDAY, OCTOBER 6th. THIS IS OUT OF MY OWN POCKET I'M DOING THIS. I WANT TO GET FOLKS TOGETHER AND TALK ABOUT THE ISSUES WE'RE HAVING IN TOWN. I PUT -- I ALSO BUILT A WEBSITE CALLED AUSTIN HOUSING PINCH.COM. IT'S TALKING ABOUT THE ISSUES WE'RE HAVING WITH HOUSING IN THE CITY AND AN EDUCATION, FIRST OF ALL, WHAT THEY ARE. I WAS ON 88.7 THIS MORNING FOR HALF AN HOUR TALKING ABOUT THIS WITH KENNETH THOMPSON. AND WE'VE GOT SOME DISCUSSION GOING, BUT WE'RE ASKING -- I'M ASKING AS WELL IF THE CITY CAN PROVIDE POSSIBLY A SPEAKER,

POSSIBLY SOME DIRECTION. I KNOW YOU'VE GOT SOME GROUPS HERE WORKING ON AFFORDABLE HOUSING, BUT WE CAN REALLY USE SOME ADDITIONAL SUPPORT THERE. THANK YOU. ANY QUESTIONS?

Mayor Wynn: THANK YOU, DAVID. I THINK WE COULD HAVE SOMEBODY FROM OUR NEIGHBORHOOD HOUSING DEPARTMENT OR SOMEBODY IN OUR PLANNING AND ZONING FORMAT OR PROCESS COME AND SPEAK OR HELP YOU ALL UNDERSTAND, YOU KNOW, THE INFORMATION FLOW AND WHAT'S GOING ON.

WHAT WE'LL DO IS JULIE RIGHT HERE IN THE BACK WILL GET SOME INFORMATION FROM YOU AND WE'LL HELP GET THAT SET UP. THANKS.

Mayor Wynn: COUNCIL, THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. LET'S SEE. WE HAD DISCUSSION -- LET'S SEE IF ANY OF OUR AVIATION DEPARTMENT FOLKS ARE HERE. MR. SMITH IS HERE. LET'S SEE. WE HAVE FOUR FOLKS ON THE DAIS. SO COUNCIL, EARLIER IN CLOSED SESSION WE TOOK UP ITEM NUMBER 78, THE REAL ESTATE MATTER REGARDING A POTENTIAL LAND LEASE AT BERGSTROM. WE HAD A GOOD PRESENTATION FROM OUR AVIATION DEPARTMENT IN CLOSED SESSION PURSUANT TO STATE LAW. WE HAVE POSTED ITEM NUMBER 8 FOR POTENTIAL ACTION RELATED TO THAT DISCUSSION, THAT BEING AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LAND LEASE AND PERHAPS A QUICK STAFF PRESENTATION ABOUT THAT ITEM AND THE FOUR OF US COULD DELIBERATE. WELCOME, MR. SMITH.

MAYOR AND COUNCILMEMBERS, THIS IS THE THIRD TIME WE'VE BEEN BEFORE YOU WITH THIS ISSUE. THE FIRST TWO TIMES TO GIVE YOU A UPDATE ON OUR NEGOTIATIONS WITH GENERAL ELECTRIC COMMERCIAL AVIATION SERVICES TO BUILD A LOW-COST TERMINAL ON THE SOUTH SIDE OF OUR AIRPORT. ,.WE'VE COMPLETED THOSE NEGOTIATIONS AND COMING TO YOU TODAY FOR AN ACTION ITEM TO ACTUALLY EXECUTE THAT PARTICULAR LEASE. THE TERMS OF THE LEASE, A 30-YEAR LAND LEASE, WHICH IS THE SAME AS ALL THE OTHER LEASES WE HAVE OUT AT THE AIRPORT. IT'S --- TRANSFER MODEL WHICH MEANS AT THE END OF THE LEASE

TERM THE FACILITY REVERTS BACK TO THE CITY OF AUSTIN. THE FIRST STEP IN THE PROCESS WILL BE THE RENOVATION OF AN EXISTING BUILDING AT THE AIRPORT TO MAKE AN INTERIM FACILITY THAT WOULD HAVE THREE GATES. AND WE NEED AN INTERIM FACILITY BEFORE A WHOLE LOT OF MONEY IS INVESTED TO SEE IF THIS BUSINESS MODEL WILL WORK SUCCESSFULLY. ASSUMING IT DOES WORK SUCCESSFULLY, G.E. IS COMMITTED AS SOON AS THERE'S A DEMONSTRATION OF A BUSINESS NEED, THEY WILL START BUILDING A 100,000 SQUARE FOOT NEW FACILITY ON THE SITE OF THE AIRPORT. IN TERMS OF A RENT STRUCTURE, AGAIN, IT'S THE SAME AS THE OTHER LEASES WE HAVE AT THE AIRPORT. THERE'S A GROUND RENT PLUS A PERFORMANCE RENT BASED ON HOW WELL THE FACILITY DOES, WE WILL SHARE IN THOSE PROFITS. WE HAVE ARRANGED WITH G.E. TO DORD NATURE THEIR OPERATING BUDGET, CAPITAL PROGRAM, MARKET AGO PROGRAM AND CONCESSION PROGRAM TO MAKE SURE IT'S IN SYNC WITH WHAT WE'RE TRYING TO ACCOMPLISH AT THE AIRPORT. ALSO STHEF COMMITTED TO A STRONG DBE PROGRAM AND THEY ARE WORKING NOT ONLY IN ANTICIPATION OF THE CONSTRUCTION OF A NEW TERMINAL BUT ALSO ON THE INTERIM FACILITY TO MAKE SURE THEIR..... THEY ARE DOING SUFFICIENT OUTREACH AND IDENTIFYING SCOPES OF VARIOUS PROJECTS AND WORKING WITH SMBR TO GET THAT INTO THE COMMUNITY SO THE CONTRACTORS KNOW WHAT TYPE OF WORK IS AVAILABLE. THE BOTTOM LINE, THIS IS REALLY A UNIQUE OPPORTUNITY FOR AUSTIN TO DEVELOP A NICHE IN THE AVIATION MARKET WHICH WOULD HOPEFULLY BRING MORE AIR SERVICE TO AUSTIN THAN THE POP LAKES OF OUR AREA ACTUALLY DESERVES AND THAT'S BECAUSE WE WOULD ESSENTIALLY BE BECOMING A MINI HUB FOR SOME OF THOSE ULTRA LOW-COST CARRIERS. SO THIS IS A RARE OPPORTUNITY AND WE'RE HOPING IN PARTNERSHIP WITH DISB. E AND THEIR STRENGTH OF HAVING RELATIONSHIPS WITH OVER 270 AIRLINES IN 70 COUNTRIES THAT WE CAN MAKE A DENT AND IMPROVE THE AIR SERVICE HERE IN AUSTIN.

Mayor Wynn: GREAT, THANK YOU, MR. SMITH. IT IS EXCITING. QUESTIONS, COMMENTS? WE HAVE POSTED ITEM 8 WHICH IS THIS AUTHORIZATION TO NEGOTIATE A EXECUTE. I'LL

ENTERTAIN A MOTION.

Leffingwell: I MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO APPROVE ITEM 8 AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 4-0 WITH THE MAYOR PRO TEM AND COUNCILMEMBERS MARTINEZ AND MCCracken OFF THE DAIS. THANK YOU, GENTLEMEN. ALSO COUNCIL, IN CLOSED SESSION WE HAD LEGAL BRIEFING REGARDING THE ARBITRATION RESULTS OF THE STRATEGIC PARTNERSHIP AGREEMENT FOR THE LOST CREEK MUNICIPAL UTILITY DISTRICT. HAD A GOOD, APPROPRIATE LEGAL DISCUSSION IN CLOSED SESSION AND PERHAPS A BRIEF STAFF PRESENTATION NOW BECAUSE WE ARE POSTED FOR AN ACTION ITEM, THAT BEING ITEM NUMBER 16. WELCOME, MS. HUFFMAN.

THANK YOU. MAYOR AND COUNCILMEMBERS, I'M PLEASED TO REPORT THE ARBITRATORS SIDED WITH THE CITY OF AUSTIN AND AGREED THE STRATEGIC PARTNERSHIP AGREEMENT YOU ALL APPROVED EARLIER THIS SUMMER IS IN FACT THE PARTNERSHIP AGREEMENT IN PLACE FOR THE ANNEXATION OF LOST CREEK. SO WE'RE ASKING FOR YOU TO DO TODAY IS OFFICIALLY ADOPT THAT PLAN AND THEN THE CITY OF AUSTIN WILL BEGIN THE ANNEXATION PROCESS IN ACCORDANCE WITH THAT STRATEGIC PARTNERSHIP AGREEMENT.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF, COUNCIL, COMMENTS? WE GOT A VERY DETAILED LEGAL BRIEFING EARLIER. HEARING NO QUESTIONS, I'LL ENTERTAIN A MOTION ON THIS RESOLUTION, ITEM NUMBER 16. MOTION BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THIS ITEM, NUMBER 16, AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 4-0, AGAIN WITH THE MAYOR PRO TEM, COUNCILMEMBERS MARTINEZ AND MCCracken OFF THE DAIS. SO COUNCIL, I BELIEVE THAT'S ALL OF OUR POTENTIAL DISCUSSION ITEMS WE COULD TAKE UP PRIOR

TO GOING BACK INTO CLOSED SESSION. WE STILL HAVE A NUMBER OF ITEMS POSTED ON OUR EXECUTIVE SESSION AGENDA. SO WITHOUT OBJECTION, WE WILL DO THAT. SO PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, WE WILL GO INTO CLOSED SESSION TO DISCUSS POTENTIALLY LEGAL ISSUES INCLUDING ITEM NUMBER 69 RELATED TO THE AUSTIN REVITALIZATION AUTHORITY, 71, CONCERNING THE CITY OF AUSTIN VERSUS REICHOLT, INC., 73, LEGAL ISSUES REGARDING POSSIBLE SITES FOR WATER TREATMENT PLANT NUMBER 4. WE MAY ALSO PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT TAKE UP POTENTIALLY ITEM NUMBER 74 REGARDING REAL ESTATE MATTERS REGARDING WATER TREATMENT PLANT NUMBER 4 AS WELL AS ITEM NUMBER 77, THE PROPOSED SALE OR LEASE OF THE SEAHOLM POWER PLANT BUILDING OR PROPERTY, AND/OR ITEM NUMBER 78 -- I'M SORRY, WE'VE ALREADY TAKEN UP ITEM 78. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US BEING BACK IN OPEN SESSION APPROXIMATELY 3:00 P.M. TO DO BOTH A BRIEFING FROM OUR POLICE CHIEF AND OTHERS REGARDING SOLICITATION ORDINANCES AS WELL AS AN A HFC BOARD MEETING. THANK YOU. WE'RE NOW IN CLOSED SESSION.

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Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP LEGAL ISSUES, ITEMS NUMBER 69, 71 AND 73. WE ALSO TOOK UP REAL ESTATE MATTERS, ITEM NUMBER 74 AND 77. I APPRECIATE EVERYBODY'S 'S PATIENCE. THIS IS OUR FIRST MEETING BACK FROM OUR LENGTHY BUDGET APPROVAL PROCESS, SO WE HAVEN'T MET FORMALLY IN THIS FORMAT IN OVER A MONTH. BECAUSE OF THAT WE HAVE A VERY LONG AGENDA TODAY, INCLUDING A LOT OF CLOSED SESSION ITEMS THAT WE NOW ARE THROUGH, HOWEVER THAT'S PUSHED US WAY

BACK THIS AFTERNOON. FOR THOSE OF YOU WHO ARE PLANK THE REST OF YOUR LATE AFTERNOON, WE'RE NOW ABOUT TO TAKE UP OUR AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING, WHICH WILL GO VERY QUICKLY. IN HONOR OF PAUL HILGERS' BIRTHDAY. THEN WE WILL HAVE A PRESENTATION FROM CITY STAFF REGARDING OUR SOLICITATION ORDINANCES. SOME PEOPLE REFER TO THAT AS THE PANHANDLING ISSUES. I ANTICIPATE THAT TAKING HALF AN HOUR PERHAPS. THERE WILL BE A LITTLE BIT OF DISCUSSION ABOUT THAT IN THE CONTEXT OF WHETHER OR NOT THIS COUNCIL WILL SET A PUBLIC HEARING. WE THEN WILL HAVE A BRIEF, I THINK, ANALYSIS AND DISCUSSION ABOUT THE AUSTIN REVITALIZATION AUTHORITY, AN ITEM THAT WE TOOK UP IN CLOSED SESSION. I DON'T ANTICIPATE US BEING ABLE TO EVEN GET TO OUR ZONING CASES, BEGINNING OUR ZONING CASES UNTIL PROBABLY VERY NEAR WHAT IS OUR NORMAL BREAK FOR 5:30 LIVE MUSIC AND PROCLAMATIONS. SO IF YOU THINK YOU HAVE A ZONING CASE THAT WILL HAVE ANY DISCUSSION AT ALL, THAT IS, NOT ON THE CONSENT AGENDA AS WE CALL IT, IT LIKELY WILL BE TAKEN UP WELL AFTER OUR 5:30 BREAK. I WOULD SAY SOME TIME AFTER 6:00 OR 6:15. I APOLOGIZE FOR THAT, BUT WE HAVE A LOT OF BUSINESS TO TRY TO GET THERE. I WANT TO GIVE YOU A LITTLE BIT AFTER HEAD'S UP. SO I WILL NOW AT THIS TIME RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, CALL TO ORDER -- THERE BEING A QUORUM PRESENT, THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING, AND WELCOME MR. PAUL HILGERS.

THANK YOU, MAYOR, MR. PRESIDENT, AND THANK YOU FOR GIVING US THE TIME TO GET UP HERE. I WILL IN THE INTEREST OF TIME MOVE THROUGH THE SIX ITEMS VERY QUICKLY. AHFC ITEM NUMBER 1 IS TO APPROVE THE MINUTES OF THE AUGUST 30TH, 2007 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

I'LL ENTERTAIN A MOTION.

SO MOVE.

MOTION MADE BY BOARD MEMBER MCCracken, SECONDED

BY BOARD MEMBER KIM TO APPROVE ITEM NUMBER ONE
THESE MINUTES AS POSTED. ALL IN FAVOR? OPPOSED?
MOTION PASSES ON A VOTE OF FIVE TO NOTHING WITH THE
VICE-PRESIDENT AND COUNCILMEMBER COLE OFF THE DAIS.

.....DAIS.

AHFC NUMBER 2 IS TO APPROVE THE MINUTES OF THE
SEPTEMBER 10th 2007 MEETING OF THE AUSTIN HOUSING
FINANCE CORPORATION.

I'LL ENTERTAIN THAT MOTION. BOARD MEMBER MADE BY
BOARD MEMBER MCCracken, SECONDED BY BOARD
MEMBER KIM TO APPROVE THE POSTED PINTS. ALL THOSE IN
FAVOR, SIGNIFY BY SAYING AYE? OPPOSED? MOTION
PASSES ON A VOTE OF FIVE TO ZERO. IRKS AHFC ITEM
NUMBER 3 IS TO APPROVE THE NEGOTIATION AND
EXECUTION OF A ONE-YEAR SERVICE AGREEMENT WITH
STINT IN AN AMOUNT NOT TO EXCEED \$10,204,192 BY THE
USE OF THE AUSTIN HOUSING FINANCE CORPORATION TO
FUND, MANAGE AND OPERATE VARIOUS CITY HOUSING
PROGRAMS IN FISCAL YEAR 2007-2008. THIS IS SIMPLY THE
AGREEMENT THAT WE USE TO IMPLEMENT OUR HOUSING
PROGRAMS. IT DESCRIBES THE RELATIONSHIP BETWEEN
THE CITY AND THE AUSTIN HOUSING FINANCE CORPORATION
AS A SUBRECIPIENT AND IS THE MECHANISM THAT WE USE
TO FUND OUR HOUSING PROGRAMS. I'LL BE GLAD TO
ANSWER ANY QUESTIONS YOU HAVE WITH AHFC ITEM
NUMBER 3.

QUESTIONS OF STAFF, BOARD? COMMENTS? MOTION MADE
BY BOARD MEMBER MCCracken, SECONDED BY BOARD
MEMBER KIM TO APPROVE ITEM NUMBER 3 AS PRESENTED
BY STAFF. ALL IN FAVOR? OPPOSED? MOTION AGAIN PASSES
ON A VOTE OF FIVE TO ZERO.

AHFC ITEM NUMBER 4 IS RELATED TO THE ITEM THAT WE
SPOKE ABOUT THIS MORNING, ITEM NUMBER 19 ON THE CITY
COUNCIL AGENDA TO AUTHORIZE THE NEGOTIATION AND
EXECUTION OF A ONE-YEAR SERVICE AGREEMENT WITH THE
CITY OF AUSTIN FOR FUNDING, MANAGING AND OPERATING
VARIOUS AFFORDABLE HOUSING PROGRAMS USING CITY
GENERAL OBLIGATION HOUSING BOND PROCEEDS IN AN

AMOUNT NOT TO EXCEED \$8,500,000.

QUESTIONS OF STAFF, COUNCIL? OF COURSE, WE HAD QUITE A FEW COMMENTS AND QUESTIONS THIS MORNING AS PART OF THE AUSTIN CITY COUNCIL PIECE OF THIS ACTION. SO HEARING NO COMMENTS, I'LL ENTERTAIN THIS MOTION. MOTION MADE BY BOARD MEMBER MCCrackEN, SECONDED BY BOARD MEMBER LEFFINGWELL TO APPROVE ITEMING..... ITEM NUMBER 4 AS PRESENTED BY STAFF. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO.

AHFC ITEM NUMBER 5 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A LONG-TERM GRAND LEASE OF 904, 908, 912 AND 9.. 916 NEAL STREET AND A LOAN UNDER THE RENTAL HOUSING ASSISTANCE HOUSING PROGRAM IN AN AMOUNT NOT TO EXCEED \$500,000 TO COMMUNITY PARTNERSHIPS FOR THE HOMELESS INCORPORATED IN AUSTIN, TEXAS OR ITS AFFILIATE IN COMPLIANCE WITH APPLICABLE REQUIREMENTS AND PERFORMANCE GOALS TO DEVELOP SIX UNITS OF AFFORDAB RENTAL HOUSING FOR HOMELESS AND LOW INCOME FAMILIES. COMMUNITY PINS FOR THE HOMELESS IS AN ORGANIZATION THAT'S RUN BY FRANK FERNANDEZ, HAS A GREAT REPUTATION FOR PROVIDING SERVICES. WE WERE FORTUNATE TO BE ABLE TO USE THIS PROPERTY, WHICH IS CITY SURPLUS LAND, AND WE REQUEST THAT WE -- WE DID A REQUEST FOR PROPOSAL AND COMMUNITY PARTNERSHIPS FOR THE HOMELESS WAS SUCCESS N.F.L. THAT, SO WE'RE RECOMMENDING FUNDING FOR THIS OPPORTUNITY.

THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, BOARD? AGAIN, THIS FOLLOWS A DECADE LONG OR SO COMMENT BY THIS COUNCIL AND SEVERAL PREVIOUS COUNCILS ABOUT TAKING EVERY BIT OF EXCESS LAND THAT THE CITY HAS, SURPLUS LAND, AND WHERE WE CAN FIND PARTNERS WHO CAN HELP US DELIVER AFFORDABLE HOUSING IN THIS COMMUNITY. SO JOB WELL DONE. FURTHER QUESTIONS? I'LL ENTERTAIN THAT MOTION. MOTION MADE BY BOARD MEMBER McCAK EN, SECONDED BY BOARD MEMBER MARTINEZ AS PRESENTED BY STAFF. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO.

AHFC ITEM NUMBER 6 IS THE LAST ITEM IN THE AGENDA IS

TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF A 12 MONTH CONTRACT WITH THE AUSTIN AREA URBAN LEAGUE IN AUSTIN, TEXAS IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS WITH TWO 12-MONTH EXTENSION OPTIONS IN AMOUNTS NOT TO EXCEED ONE MILLION DOLLARS EACH FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$3 MILLION TO ADMINISTER THE EMERGENCY HOME REPAIR PROGRAM. AS YOU KNOW, COUNCIL, THE CITY HAS HAD -- THE CITY AND AHFC HAVE PARTNERED WITH THE AUSTIN AREA URBAN LEAGUE FOR 30 YEARS TO ADMINISTER THIS HIGHLY SUCCESSFUL AND CRITICAL PROGRAM THAT ASSISTS LOW INCOME HOMEOWNERS WHOSE HOMES ARE IN CRITICAL NEEDS OF REPAIR. WE HAVE LAST YEAR, THE URBAN LEAGUE ASSISTED OVER 5 550 HOMES WHICH EXCEEDED OUR PROJECTED GOAL BY 20%, WHICH IS NOT UNCOMMON FOR THE WORK THE URBAN LEAGUE DOES. I KNOW THEY CAN ANSWER ANY QUESTIONS YOU HAVE, BUT STAFF IS VERY APPRECIATIVE OF THE WORK AND THE PARTNERSHIP WE HAVE WITH THE AUSTIN URBAN LEAGUE AND GLAD TO RECOMMEND THIS CONTRACT TO YOU FOR YOUR APPROVAL.

QUESTIONS OF STAFF, BOARD? COMMENTS? MOTION MADE BY BOARD MEMBER MARTINEZ, SECONDED BY BOARD MEMBER MCCracken TO APPROVE ITEM NUMBER 6, OUR PARTNERSHIP WITH THE AUSTIN AREA URBAN LEAGUE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? THAT PASSES BY A VOTE OF FIVE TO ZERO.

THAT'S ALL THE BUSINESS OF THE AHFC.

THANK YOU MR. HILGERS. HAPPY BIRTHDAY.

...

Mayor Wynn: WE NOW STAND ADJOURNED. WE CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL AND WITH APOLOGIES, WE NOW, JUST NOW GET TO OUR AFTERNOON BRIEFING, WHICH IS TO BE A STAFF PRESENTATION, AN UPDATE ON CONSTITUENT'S REGULATIONS RELATED TO SOLICITATION, GENERICALLY TALKED ABOUT AS OUR PANHANDLING OR PUBLIC ORDER

ORDINANCES. WELCOME CHIEF AS... ACEVEDO.

GOOD AFTERNOON. FIRST OF ALL, I WANT TO SAY THANK YOU FOR THIS OPPORTUNITY AS ALWAYS TO COMMUNICATE WITH OUR LEADERS. AND IT'S GOING TO BE A TWO-PART -- COME ON UP, PATTY. SHE'S BEING SHY UP THERE, WHICH I KNOW WILL SURPRISE YOU ALL. IT WILL GIVE US THIS OPPORTUNITY TO PRESENT THIS TO THE COUNCIL. THIS PRESENTATION WILL INCLUDE A BRIEF OVERVIEW OF THE COUNCIL ACTION DECEMBER OF 2005. WE WILL ALSO HAVE AN OVERVIEW OF OUR CURRENT ORDINANCES ON SOLICITATION AND WE ALSO WILL HAVE -- INCLUDE AREAS WHERE CURRENT ORDINANCES DO AND DO NOT APPLY AND GO OVER THAT BRIEFLY. ALSO OUR ENFORCEMENT OF CURRENT ORDINANCE AND WHAT WE'RE DOING IN TERMS OF ENFORCEMENT. WE'LL ALSO GO OVER WITH YOU FOLKS THE TOOLS THAT WE'RE USING AND SOME OF THE STATISTICAL DATA THAT I THINK WILL HELP EDUCATE THE COUNCIL AND OBVIOUSLY THE PUBLIC ON SOME OF THE ISSUES AND THEN WE'LL GO INTO WHAT WE CAN DO TO MAKE THINGS BETTER. THE ONE THING THAT I DO WANT TO REALLY EMPHASIZE AT THE VERY BEGINNING OF THIS PRESENTATION IS THAT FROM THE AUSTIN POLICE DEPARTMENT'S PERSPECTIVE, THIS IS TRULY A PUBLIC SAFETY, TRAFFIC CONGESTION, PEDESTRIAN SAFETY ISSUE AND CONCERN FROM OUR PERSPECTIVE. OUR JOB IS TO KEEP PEOPLE SAFE, KEEP THE PEDESTRIANS SAFE AND IT'S NOT REALLY PANHANDLING FOR US, IT'S REALLY SOLICITATION BECAUSE OUR FOLKS OUT THERE ARE SELLING ITEMS, FLOWERS, ORANGES, WHATEVER ELSE YOU MIGHT FIND, AND WE WANT TO KEEP AUSTIN MOVING AND PEOPLE SAFE. AND THAT'S WHERE OUR PRESENTATION IS REALLY COMING FROM. SO WITH THAT I WILL TURN IT OVER TO CHIEF ROBINSON WHO HAS EXTENSIVE EXPERIENCE IN HIGHWAY ENFORCEMENT COMMAND AND HAS BEEN WORKING THIS ISSUE FOR US.

WELCOME CHIEF ROBINSON.

THANK YOU. I'M GOING TO GO OVER RATHER QUICKLY OUR CURRENT ORDINANCE AND HOW IT CAME INTO BEING. DECEMBER 15TH, 2005 COUNCIL PASSED AN ORDINANCE RELATED TO SEVERAL PUBLIC ORDER ISSUES, INCLUDING SOLICITATION. PART OF THE 2005 PROPOSED ORDINANCE AS

PRESENTED TO THE COUNCIL WOULD HAVE ELIMINATED THE AREA RESTRICTED FOR ROADSIDE SOLICITATION AND APPLIED THIS ORDINANCE CITYWIDE. NEW PROVISIONS ADOPTED TO PROHIBIT SOLICITATION ON EITHER SIDE OF THE STREET ON A BLOCK ON A SCHOOL WHERE CHILD CARE CENTER ATTENDED BY MINORS HAS AN ENTRANCE OR EXIT. THE DOWNTOWN BUSINESS AREA BETWEEN THE HOURS OF 7:00 AND 7:00 A.M. AND AT THE DOOR OF A RESIDENCE BETWEEN NINE P.M. AND NINE A.M. FOR CONTRIBUTIONS ONLY. ROADSIDE SOLICITATION ORDINANCE WAS NOT EXPANDED CITYWIDE PENDING FURTHER STUDY OF THE DAY LABOR SITE ISSUES. SOLICIT MEANS TO REQUEST BY SPOKEN, WRITTEN OR PRINTED WORD OR ANY OTHER MEANS OF COMMUNICATION AN IMMEDIATE DONATION OR TRANSFER OF MONEY OR ANOTHER THING OF VALUE FROM ANOTHER PERSON REGARDLESS OF THE INTENDED USE OF THE MONEY OR OTHER THING OF VALUE AND REGARDLESS OF WHETHER CONSIDERATION IS OFFERED. THE DEFINITION OF SOLICITATION WOULD INCLUDE THE REQUEST FOR PAYMENT FOR SERVICE SUCH AS WINDSHIELD WASHING OR TO SELL AN ITEM OR CHARITABLE SOLICITATION. WE CURRENTLY HAVE THREE PROHIBITED TYPES OF SOLICITATION. THE FIRST ONE IS CITYWIDE AND IT'S AGGRESSIVE SOLICITATION IN A PUBLIC AREA. THE SECOND ONE IS NON-AGGRESSIVE SOLICITATION OR WHAT WE CALL ROADSIDE SOLICITATION WITH A VEHICLE INVOLVED. AND THE THIRD ONE IS SOLICITATION AT CERTAIN TIMES, NO VEHICLE INVOLVED. ON THE FIRST ONE, AGGRESSIVE MANNER MEANS PHYSICAL CONTACT WITH OR WITHOUT THE SOLICITED PERSON'S CONSENT FOLLOWING THE PERSON BEING SOLICITED, CAUSING FEAR OR INTIMIDATION, CONTINUING TO SOLICIT WITHIN FIVE FEET. BLOCKING SAFE OR FREE PASSAGE OR REQUIRING EVASIVE ACTION TO AVOID CONTACT. USING OBSCENE OR ABUSIVE LANGUAGE OR GESTURES, APPROACHING IN A MANNER THAT CAUSES FEAR OR INTIMIDATION. THE SECOND ONE, WHICH IS ROADSIDE SOLICITATION, THAT'S NON-AGGRESSIVE WITH A VEHICLE INVOLVED, IS PROHIBITED UNDERSTAND THREE SEPARATE. IN THE DOWNTOWN BUSINESS AREA, IN THE AREA NEAR THE DAY LABOR SITE WHICH IS LOCATED AT 4916 NORTH I-35 AND IN THE AREA NEAR CESAR CHAVEZ AND NORTH I-35. IN THIS

PARTICULAR ORDINANCE IT PROHIBITS SOLICITATION BY A PEDESTRIAN, WHICH IS A PERSON WHO IS IN OR NEXT TO A STREET OR ON A SIDEWALK OR IN A PRIVATE PARKING AREA FROM AN OCCUPANT OF A MOTOR VEHICLE. SOLICITATION BY A MOTORIST. BY A PERSON IN A MOTOR VEHICLE, FROM A PERSON WHO IS IN OR NEXT TO A STREET OR ON THE SIDEWALK OR IN A PRIVATE PARKING AREA. THIS ORDINANCE DOES NOT APPLY TO A DAY LABOR SITE RUN BY OR FOR THE CITY OR IN A PRIVATE PARKING AREA FOR SOLICITING EMPLOYMENT -- OR A PRIVATE PARKING AREA UNLESS SIGNS ARE POSTED THAT PROHIBIT SOLICITING FOR EMPLOYMENT. THE THIRD ONE IS NON-AGGRESSIVE SOLICITATION IN CERTAIN PLACES OR TIMES. SOLICITATION IS PROHIBIT UNDERSTAND A BUS, AT A BUS STATION OR STOP OR AT A FACILITY OPERATED BY A TRANSPORTATION AUTHORITY FOR PASSENGERS WITHIN 25 FEET OF AN ATM MACHINE, AT A BANK ENTRANCE OR EXIT, AT A CHECK CASHING BUSINESS ENTRANCE OR EXIT, AT A MARKED CROSSWALK. ON EITHER SIDE OF THE STREET ON A BLOCK WHERE A SCHOOL ATTENDED BY MINORS HAS AN ENTRANCE OR AN EXIT. AT A SIDEWALK CAFE OR THE PATIO AREA OF A BAR, RESTAURANT. AND AGAIN IN DOWNTOWN BUSINESS AREAS BETWEEN 7:00 P.M. AND 7:00 A.M. OR AT THE DOOR AFTER RESIDENCE BETWEEN THE HOURS OF NINE P.M. AND NINE A.M. FOR CONTRIBUTIONS.

I CAN TELL YOU THAT SOLICITATION IS SOMETHING ON THE MINDS OF A LOT OF AUSTINITES. A LOT OF FOLKS, A LOT OF ANGER OUT THERE ABOUT SOLICITATION, A BIG DID HE DEBATE GOING ON. SEEMS LIKE EVERY MEETING I GO TO FOLKS ARE TALKING ABOUT SOLICITATION AND AGGRESSIVE SOLICITATION AND SOME OF THE PROBLEMS IT'S CREATING. MOTORISTS AS REPORTED TO US HERE AT THE POLICE DEPARTMENT, THEY FEEL INTIMIDATED. IN SOME CASES OBVIOUSLY WE HAVE THE STUDENT ISSUE THAT CAME UP IN THE PAST. WE'VE RECEIVED A NAME MUST AMOUNT OF COMPLAINTS AND SOLICITATION OF PEDESTRIANS IN THE ROADWAY AND I'LL GO INTO THOSE STATISTICS HERE IN A MINUTE. SOLICITATION IS OCCURRING AT SOME OF OUR BUSIEST INTERSECTIONS AND AGAIN WE ARE THE MOST CONGESTED CITY OF THIS SIZE IN THE UNITED STATES AND TRAFFIC ISN'T MOVING CREATES A LOT OF PROBLEM FOR US

ON MANY, MANY LEVEL, INCLUDING ECONOMIC ISSUES AND QUALITY OF LIFE ISSUES AND EVEN AIR QUALITY ISSUES WHEN TRAFFIC IS SITTING THERE IDLING. OBVIOUSLY WHEN YOU HAVE THIS CONGESTION, HAVE YOU PEOPLE BEING BACKED UP, STOPPED IN THE ROADWAY AND TRAFFIC ISN'T MOVING, AS YOU WILL SEE LATER ON IT DOES CREATE SOME ISSUES IN TERM OF HIGHER CRASHES AND PEOPLE GETTING HURT AND ULTIMATELY PEOPLE GETTING KILLED. THE ENFORCEMENT OF OUR CURRENT ORDINANCE, VIOLENCE OF THE ORDINANCE IS ENFORCED WITH ONE OF THE FOLLOWING METHODS BY THE POLICE DEPARTMENT. A COMPLAINT FROM A RESIDENT OR A MEMBER OF THE COMMUNITY. THE BROB THIS IS THE AGGRESSIVE SOLICITATION IS THAT WE NEED TO WAIT FOR THE PERSON - - THEY NEED TO WAIT FOR THE POLICE DEPARTMENT TO RESPOND. IN MANY INSTANCES BY THE TIME THEY GET THEY'RE, THEY'RE NOT WILLING TO WAIT OR RESPOND BECAUSE THEY NEED A STATEMENT FROM THE PERSON AS TO WHAT THE ACTIONS WERE OF THE PERSON THAT WAS SOLICITING THAT CAUSED THEM THE FEAR OR CAUSED THEM THE CONCERN. WHEN IT'S NOT -- WHEN IT'S NOT IN THE PRESENCE OF THE OFFICER. NOW, THE OFFICER WITNESSES SOLICITATION WITHIN ATM, SIDEWALK CAFE, CROSSWALK, ROADSIDE SOLICITATION AND THE THREE SPECIFICALLY PROHIBITED AREA THAT WE NOW HAVE ON THE BOOKS, AND THE PEDESTRIAN OBVIOUSLY IN THE ROADWAY, THEY'RE ABLE TO TAKEN FORCE. ACTION. TYPICALLY I JUST WANT TO MAKE IT REAL CLEAR. OUR OFFICERS GENERALLY SPEAKING WHEN THEY FIRST COME OUT TO A CALL, THEY GENERALLY SPEAKING WILL PROVIDE THE PERSON WITH A VERBAL WARNING, WARN THEM TO LEAVE THE AREA AND TO NOT BE SOLICITING, ESPECIALLY IN THE ROADWAY BECAUSE WE HAVE A HUMANISTIC APPROACH TO OUR ENFORCEMENT POSTURE. I THINK THE STATISTICS MIGHT SHOW THAT LATER ON. WE ALSO HAVE THE CITY CODE, PEDESTRIANS IN THE ROADWAY, THE CURRENT CITY ORDINANCE PROHIBITS THE PEDESTRIAN FROM STANDING IN ANY ROADWAY TO SOLICIT A RIDE FROM THE DRIVER AFTER VEHICLE OR TO LINGER, LOITER OR REMAIN IN A ROADWAY FOR ANY PURPOSE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] THEY ARE COMING IN. IN 2007 WORK WE RECEIVED 2,599 CALLS FOR

PEDESTRIANS IN THE THE ROADWAY, AND 302 FOR SOLICITATION FOR A TOLD OF 2901 CALLS FOR A 15.7% INCREASE. IN TERMS OF THE CHARGES FILED, PEDESTRIANS IN THE ROADWAY IN JANUARY THROUGH AUGUST OF '06 IS 592 COMPARED TO '07 WHICH IS UP TO THE 997. THE CITY ORDINANCE IS 169 IN '06S A OPPOSED TO COMPARED TO 662 IN '07 FOR A 116% INCREASE AND OUR TOTALS FOR THE CHARGES FILES HAVE GONE FROM 767 TO 1659 WHICH IS A SIGNIFICANT INCREASE ANYONE FORCEMENT. SOME DISPARITY IS AGAIN, OUTSIDE OF THOSE THREE ZONES IF WE DON'T SEE THEM IF THEY JUMP BACK ON THE ROADWAY, WE CAN'T TAKE ENFORCEMENT ACTION IF WE DON'T HAVE A CAMPAIGN AND THE IN THE AREA THAT WILL -- COME PAINTANTED IN THE AREA TO FILE A COMPLAINT. I WILL BE FRANK WITH THE COUNCIL, THERE ARE A LOT OF ISSUES IN THE COMMUNITY, WE HAVE HAVE VIOLENCE OCCURRED WITH PEOPLE GET IN FIGHTS AND ALTERCATIONS AND BETWEEN THE SOLICITORS AS TO WHOSE CORNER IT AND WHO SHOULD BE THERE. THIS PROBLEM IN TERMS OF THE NEXT SLIDE, YOU WILL SEE THIS SLIDE DEPICTS THE 20 TOP SOLICITATION SITES IN TERMS OF COMPLAINTS WE GET FROM THE COMMUNITY. OF ALL 209 SITE, ALL BUT FIVE HAVE DOUBLE DIGIT CRASH TOTALS. OF THE 20 SITES WE GET THE MOST FOR SOLICITATION WE HAVE THREE PEDESTRIAN FATALITIES. COMPARE TO THAT THE REST OF THE CITY AND ONLY TWO REPORTS CITY WIDE SO FOR US IT IS SOMEWHAT OF AN ISSUE IN TERMS OF THE PROBLEMS. THIS CHART ONLY REPRESENTS 12% OF THE TOTAL SOLICITATION CALLS FOR SERVICE IN THE CITY AND CREATES THIS MANY CRASHES. YOU MIGHT WANT TO ASK, THESE CRASH, WHY ARE WE HAVING SO MANY CRASHES. WE HAVE PEOPLE ON THE SIDE OF THE ROADWAY, IT IS DISTRACTING. WHEN TRAFFIC ISN'T MOVING GREEN LIGHTS TURN GREEN AND PEOPLE EXPECT TO YOU GO AND PEOPLE ARE STILL STOPPED, AND WE HAVE REAR END ACCIDENTS OR CRASHES, AND IT BECOME AS PROBLEM. YOU'VE HEARD ME SAY THIS BEFORE, AND I WILL SAY IT AGAIN, ONE DEATH IS TOO MANY. WE WILL GO TO THE NEXT SLIDE TO POINT OUT SOMETHING ABOUT OUR PEDESTRIAN CRASHES. IN 2007, YEAR TO DATE WE'VE HAD 301 CRASHES INVOLVING PEDESTRIANS. 17 OF THOSE WERE FATALITIES. OVER 1/3, OVER 33% HAD A HISTORY OF A SOLICITATION VIOLATION IN

TERMS OF THEIR BACKGROUND OR THE PERSON WHO HAS BEEN KILLED ON THE ROADWAY. IN 2006, BETWEEN JANUARY AND AUGUST OF '06 WE HAD 283 CRASHES INVOLVING PEDESTRIANING, 12 FATALITIES AND OVER 1/, ONCE AGAIN OR 33% HAD A HISTORY OF VIOLATING THE SOLICITATION ORDINANCE. IN '07, PEDESTRIANS WERE AT FAULT IN 65% OF THE FATALITIES IN THE CITY. AND 23% OF THE TOTAL CRASHES INVOLVING VEHICLES AND PEDESTRIANS. IN '06, PELEDS WERE AT FAULT 75% OF THE FATALITY IES -- PEDESTRIANS, AND 13% OF THE PEDESTRIANS. EDUCATION, TOUGHER ENFORCEMENT IS SOMETHING THAT WE, I BELIEVE, NEED TO LOOK AT IN TERMS OF KEEPING THE CITY MOVING, BUT MORE IMPORTANTLY IN TERMS OF SAVING LIVES, KEEPING PEOPLE FROM GETTING HURT AND SOMETIMES PEOPLE OUT OF DESPERATION TAKE DESPERATE MEASURES TO SOLICIT MONEY AND QUITE FRANKLY THE HIGHWAY IS NOT THE PLACE TO DO THAT. VEHICLES AND PEDESTRIANS DO NOT MIX AND IN THIS CITY WHERE WE ARE SO CONGESTED THE LAST THING WE NEED TO BE SELLING SOMETHING ON THE SIDE OF THE ROADWAY AND PEOPLE WAITING FOR CHANGE AND TEMPERS TO FLAIR AND CONGESTION TO BE WORSENER. THOSE ARE SOME ISSUES AND BACKGROUND FOR US. THE RECOMMENDATION THAT SOME OF THE STAFF AT THE CITY HAVE COME UP WITH INCLUDE AMENDING THE SOLICITATION ORDINANCE IN THE CITY SO IT IS CITY WIDE AND SO THE POLICE DEPARTMENT WILL HAVE A TOOL TO ENFORCE THIS PARTICULAR PROBLEM WHEN IT BECOME AS PROBLEM. AGAIN, OUR APPROACH IS ALWAYS TO TRY TO FIRST GET VOLUNTARY COMPLIANCE WITH THE FOLKS WHEN THEY DO RESPOND TO THE USE OF VERBAL WARNINGS, BUT WE WOULD APPRECIATE A TOOL WE CAN USE TO DISCOURAGE PEOPLE FROM BEING IN THE ROAD AND CAUSING CRASHES. THE OTHER PART IS TO EXPAND THE SECTION TO PROHIBIT IT ON RIGHT SIDE OF A STREET WITHIN 1,000 FEET OF A SCHOOL OR CHILD CARE CENTER. WE HAVE THAT RECOMMENDATION IN REFERENCE TO THE ISSUE OF THE STUDENTS OR PARENTS AT THE HIGH SCHOOL. 1,000 FEET IS CONSISTENT WITH MANY OTHER LAWS IN TERMS OF THE DRUG FREE AMERICA, KEEPING SCHOOL ZONES DRUG FREE AND THAT IS THE MEASUREMENT THAT IS USED FOR SOME OTHER SECTIONS OUT THERE TO KEEP OUR KIDS SAFE AND OUR SCHOOLS

SAFE. WITH THAT, WE WILL OPEN IT UP TO, WE WILL OPEN UP TO MR. MAYOR TO ANY QUESTIONS AND ANYTHING WE CAN HOPEFULLY ANSWER.

MAYOR WYNN: THANK YOU, CHIEF. QUESTIONS OF STAFF?

PATTY HAS MORE QUESTIONS THAN I DO.

MAYOR WYNN: NOT FOR THE BRIEFING. COUNCIL MEMBER McCRACKEN.

CHIEF, I KNOW THE COUNCIL LAST TIME ASKED FOR SOME INFORMATION ABOUT WHAT WAS THE ARREST RECORDS AND CRIMINAL RECORDS OF THE PEOPLE CITED FOR PANHANDLING TO DATE AND MY UNDERSTANDING IS THE APD HAS DONE A STATISTICAL SAMPLE OF FOLKING DETAINED FOR PANHANDLING, AND THEY HAVE SOME INFORMATION IN THAT RECORD.

THAT QUESTION WAS ASKED OF US EARLIER IN THE WEEK, AND WE WENT BACK, AND WE RAN ONLY SELECTED, BASED ON CASE NUMBER, THERE IS NO RACE IDENTIFICATION OR NAME IDENTIFICATION OR ANYTHING ELSE, IT IS STRICTLY A CASE NUMBER, WE PULLED 30 ARRESTED OR CASES FROM SOLICITATION. OUT OF THE 30 CASES, 11 HAD FELONY ARREST RECORDS, AND 14 OUT OF THE 30 HAD CLASS-A AND CLASS-B MISDEMEANOR RECORDS WHICH ARE MORE SERIOUS OFFENSES. TO ME, AS A PARENT, THIS IS PROBABLY WHAT WAS PROBABLY WOULD BE DRIVING TRYING TO KEEP SOLICITORS AWAY FROM SCHOOL ZONES AND TRYING TO CONTROL IT A LITTLE BIT MORE. BUT QUITE FRANKLY, AS A PARENT I CAN TELL YOU THAT I PERSONALLY SUPPORT TRYING TO KEEP THIS ACTIVITY, BASED ON SOME OF THESE NUMBER, AND WE CAN CONTINUE TO SEARCH FURTHER IF WE NEED, TO KEEP THEM FURTHER FROM THE KIDS, AND I THINK THAT IS PROBABLY SOME CONCERNS PARENTS BROUGHT UP LAST MONTH.

MCCRACKEN: SO IN TERMS OF THE 11 AND 14, ARE THOSE THAT, LIKE ALL 11 ALSO ARE WITHIN THAT 14 IN TERMS OF ALL THE FELONY ARRESTS, ALSO ARE WE TALKING 25 OUT OF 30 HAD SOME ARREST RECORD OR IS IT THAT

SOMETHING MORE LIKE 12 OUT OF 30 OR 14 OUT OF 30?

LET ME SEE IF I CAN ADDRESS THAT. SOME FOLKS THAT HAD THE FELONY CHARGES AGAINST THEM, ALSO HAD CLASS-A AND CLASS-B MISDEMEANOR CHARGES AS WELL. NOT DIFFERENTIATE BECAUSE THESE ARE ARREST RECORDS FOR US, NOT CONVICTIONS.

LAST THING I BROUGHT UP, ALSO OUT OF THE 31 WAS A REGISTERED SEX OFFENDER AND TWO WERE ON ACTIVE PAROLE.

MCCRACKEN: SO IN TERMS OF A RANDOM SAMPLE OF FOLKS DETAINED, WHAT WE ARE SEEING IS THAT HALF OF THE PEOPLE IN THE SAMPLE APPROXIMATELY HAD SOME SORT OF ARREST RECORD FOR SERIOUS CRIME, BEING CLASS-A AND B MISDEMEANORS AND OVER A THIRD HAD FELONY ARREST RECORDS AND TWO PEOPLE ON PAROLE FROM PRISON FOR FELONY CONVICTIONS AND ONE REGISTERED SEX OFFENDER AS WELL.

RIGHT AND THAT IS OUT OF A SAMPLE OF 30 RANDOM CASES WE DREW, WE TOOK OUT.

MCCRACKEN: I THINK ONE CONCERN FROM THE PUBLIC IS I THINK IT IS AN IMPORTANT QUESTION WHO IS COMING UP TO MY CAR WINDOW, IT IS NIGHT TIME OUTSIDE AND I'M SITTING THERE OUTSIDE BY MY CAR AND SOMEONE COMES AND TAPS ON MY CAR WINDOW, WHO IS ON THE OTHER SIDE OF THAT WINDOW ABOUT FOUR INCHES FROM MY FACE, AND WE SEE HALF THE PEOPLE HAVE CRIMINAL ARREST RECORDS, INCLUDING VERY, VERY SERIOUS CRIMINAL RECORDS. AND IS THAT WHAT THE STATISTICS REFLECT?

WELL, THE STATISTICS SPEAK FOR THEMSELVES. I DON'T WANT TO EDITORIALIZE THE STATISTICS FROM A POLICE DEPARTMENT PERSPECTIVE, I WILL LEAVE THAT TO THE COUNCIL TO DO, BUT WE HAD 30, AND YOU HAD NEARLY HALF THAT HAD AT LEAST A FELONY OFFENSE HAD BEEN COMMITTED. AND YOU KNOW, THIS IS A VERY EMOTIONAL DEBATE IN THE COMMUNITY, BUT I JUST WANT TO MAKE IT REAL CLEAR FROM THE AUSTIN POLICE DEPARTMENT, OUR PERSPECTIVE, WE ARE INTERESTED IN SAVING LIVES, AND I

REALLY KNOW FROM MY EXPERIENCE THAT PEDESTRIANS IN A ROADWAY OR NEAR A ROADWAY, INTERACTING WITH TRAFFIC, IS A RECIPE FOR DISASTER. IT LEADS TO PEOPLE GETTING HURT. AND SOMETIMES, BECAUSE OF EMOTION, THE PEOPLE WE ARE TRYING TO PROTECT, SOME ADVOCACY GROUPS WERE ACTUALLY TAKING AWAY A TOOL TO US TO ENCOURAGE PEOPLE TO GO DO THIS TYPE OF ACTIVITY AWAY FROM THE HIGHWAY WHERE THEY ARE CREATING CONGESTION ISSUES AND CREATING SAFETY ISSUES FOR THEMSELVES AND ULTIMATELY SAFE ISSUES FOR ANYBODY WITH DISTRACTED DRIVERS AND ULTIMATELY THE ANGRY ISSUES THAT COMES FROM SOMEBODY SPRAYING A WIND SHIELD WHEN THEY ARE NOT SOLICITED WITH WATER AND SOMETIMES IT IS NOT CLEANEST WATER ON THE PLANET AND IT REALLY ANGERS PEOPLE. I'VE SEEN FROM MY OWN EXPERIENCE IN CALIFORNIA AND THAT IS OUR PERSPECTIVE AND DRIVING OUR REVIEW OF THIS, NOT ANYTHING ELSE. I KNOW IT IS A HEART BREAKING THING SEE PEOPLE HAVING TO, YOU KNOW, SOLICIT ON THE SIDE OF THE ROADWAY. WE UNDERSTAND THAT.

MCCRACKEN: UNDERSTAND BETTER THE CHART THAT SAYS CRASHES AT TOP 20 SOLICITATION SITES SO UNDERSTAND THAT CHART, IT SHOWS A, THIS CHART RIGHT HERE.

YES, SIR.

MCCRACKEN:

SO IT SHOWS I GUESS THESE ARE THE INTERSECTION THAT APD HAS IDENTIFIED THE 20 SPOT WITH THE MOST ROADSIDE SOLICITATION IS GOING ON?

WE GET THE MOST, THE HIGHEST NUMBER OF COMPLAINTS IN TERMS OF LOCATION.

MCCRACKEN: SO IN LOOKING AT THE NUMBERS OF AUTO ACCIDENTS AT THOSE 20 INTERSECTIONS, ARE THOSE MORE CAR ACCIDENTS THERE THAN AT OTHER SPOTS IN THE CITY? OR IS THAT JUST A REFLECTION, HERE IS HOW MANY ACCIDENTS ARE HAPPENING?

WHAT WE TOOK UP WAS TWO THINGS. ONE, THESE ARE TOP

20 SITES WHERE WE HAVE THE CALLS AND EVERY INTERSECTION WITH THE EXCEPTION OF FIVE, 75% OF THE INTERSECTION HAVE DOUBLE DIGIT CRASHES. THREE OUT OF THE 20 HAVE FATALITIES, AND IF YOU LOOK AT, NOW YOU CONTRAST THAT WITH THE OTHER 20 I SHOWED THE CITY WERE EVEN HIGHER IN TERMS OF FATALITIES. WE COULD LOOK AT THIS FURTHER BUT IT IS COMMON SENSE. IF YOU HAVE PEOPLE SOLICITING NEAR AND ABOUT A ROADWAY, YOU HAVE A GREATER CHANCE FOR CONFLICT BETWEEN THE TRAFFIC AND BETWEEN THE PEDESTRIANS. I CAN TELL YOU THAT, AND I WILL BRING THIS BEYOND SOLICITING, WHERE WE'VE HAD OPERATIONS IN OTHER PARTS OF THE COUNTRY IN TERMS OF HOMELESS ENCAMPMENTS NEAR THE FREEWAYS, THE REASON WE WERE DOING THAT BECAUSE A LOT OF FOLKS WOULD GO ON THE FREEWAY AND GET KILLED MORE FREQUENTLY THAN NOT, ESPECIALLY IN THE GREATER LOS ANGELES AREA, SKID ROW AREA, AND DOWNTOWN LOS ANGELES AND OUR INTENT WAS TO KEEP PEOPLE AWAY FROM THE TRAFFIC, AWAY FROM THE FREEWAY AND IN THIS CASE, OUR PREFERENCE IS THAT PEOPLE NOT SOLICIT IN OUR ABOUT A ROADWAY BECAUSE IT REALLY ISN'T SAFE.

MCCRACKEN: ARE THESE AN UNUSUALLY HIGH NUMBER OF CRASHES IN THESE INTERSECTIONS?

WE WOULD HAVE TO DO ADDITIONAL RESEARCH BUT PATTY YOU MIGHT KNOW FROM BEING IN HIGHWAY ENFORCEMENT.

PUT IT THIS WAY, WHEN WE GAVE OUR OVERVIEW OF TRAFFIC CONGESTION AND FATALITIES IN THE BEGINNING OF THE YEAR WE LISTED THE TOP 20 CRASH SITES AND ALL OF THOSE HAVE DOUBLE DIGITS, BUT NOW YOU ARE LOOKING AT 20 ADDITIONAL SITES FOR SOLICITATION ONLY AND THIS IS THE TOTAL NUMBER OF SOLICITATION CALLS THAT WE GOT, THEY ARE ONLY REPRESENTED 12% OF THE TOTAL NUMBER FOR 2007 BUT THE MERE FACT THAT THESE GUYS HAVE 75% OF THEM DOUBLE DIGITS, AND LOOK AT NUMBER OF FATALITIES AND THE NUMBER OF INJURIES, AND YOU KNOW AS WELL AS I DO THAT EVERY FATALITY IS OVER \$900,000 WORTH OF DAMAGE TO OUR COMMUNITY. SO I THINK IT SPEAKS FOR ITSELF.

MCCRACKEN: IT REFLECTS A LOT OF SITUATION IS GOING NONE -- SOLICITATION IS GOING ON IN DANGEROUS INTERSECTIONS. BOTH FOR MOTORISTS AND THEMSELVES.

TRAFFIC IS ONE ISSUE WE ARE BEING FACED WITH, ONE ISSUE THAT COMES UP, IN MOST COMMUNITIES, IS TRAFFIC. IT REALLY IMPACTS OUR QUALITY OF LIFE AND SOLICITATION, AND I DON'T WANT TO JUST SAY PANHANDLE PEOPLE BEGGING FOR MONEY, BUT PEOPLE SELLING PRODUCTS ON THE SIDE OF THE HIGHWAY BACKS UP TRAFFIC. WHEN YOU BACK UP TRAFFIC, ESPECIALLY ON THE OFF RAMP OF A FREE WAY, TRAFFIC COMES TO A STAND STILL REALLY QUICKLY AS A RESULT OF THE TRAFFIC BACKING UP INTO THAT SLOW LANE. VAUGHN REAR END CRASHES ON THE FREEWAY. I KNOW THAT MY EXPERIENCE 21 YEARS OF BEING A CALIFORNIA HIGHWAY PATROLMAN. IT IS NOT GOOD. IN CALIFORNIA WE DON'T HAVE PEOPLE BEGGING SO MUCH AS SELLING ORANGE, MANGO, YOU MADE IT IT, WE SELL IT ALL THERE, AND OUR APPROACH IS ALWAYS TO WARN PEOPLE OFF AND GENERALLY SPEAKING IF THEY KNOW YOU MEAN BUSINESS THEY DO GO OFF SOMEWHERE ELSE BUT THE SECOND TIME WE COME AROUND WE END UP RIGHTING FOLKS, AND WE HAVE A CONFISCATION SEX THERE AS WELL.

MCCRACKEN: MY FINAL QUESTION IS IN LOOKING AT PEDESTRIAN DEATHS THAT HAVE HAPPENED IN CITY OF AUSTIN, READING THIS, CORRECT ME ON THIS, THAT PEDESTRIAN DEATHS FROM AUTO PEDESTRIAN COLLISIONS ARE UP 50% THIS YEAR, AND IT IS OVER A THIRD OF THOSE WHO WERE ENGAGED IN PANHANDLING WHO DIED?

I DON'T HAVE THE NUMBER, THE TOTAL NUMBER FOR THE CRASH, BUT I DO KNOW A THIRD OF THE CRASHES WE'VE HAD WHICH I BELIEVE IS 17 YEAR TO DATE -- EXCUSE ME.

18 AS OF THIS WEEKEND.

WE UPDATE, THIS IS 18, OVER A THIRD HAD A HISTORY OF SOLICITATION VIOLATIONS. SO WE DON'T HAVE THE TOTAL NUMBERS.

THEY WERE PANHANDLE AT THE MOMENT THEY WERE KILLED, THEY WERE PEOPLE WHO HAD BEEN CITED IN THE PAST FOR PANHANDLING.

THAT IS EXACTLY RIGHT. WE CANNOT NOW TIE IN THE ACTUAL INCIDENT, WE HAVEN'T BEEN ABLE TO GO THAT FAR INTO IT AND SEE IN FACT, WHEN THEY WERE KILLED IF THEY WERE IN THE PROCESS OF PANHANDLING, BUT WE DO KNOW WITHOUT A DOUBT THEY HAVE A HISTORY OF SOLICITATION VIOLATIONS.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL THEN KIM.

LEFFINGWELL: HAVE YOU DONE ANALYSIS, YOUR RECOMMENDATION IS PROHIBITION WITHIN 1,000 FEET OF ANY SCHOOL OR DAY CARE CENTER, AND ALSO ALONG ANY ROADWAY, WHICH I ASSUME THAT WOULD BE THE RIGHT OF WAY, HAVE YOU LOOKED AT THE MAP AND DONE ANALYSIS, WHAT WOULD BE LEFT OFFER EXCLUDED ALL THOSE YEA -- LEFT OFFER EXCLUDED ALL THOSE AREAS?

WHAT IS LEFT IS PARKING LOTS ANYWHERE IN THE CITY UNLESS IT IS PROHIBITED BY SIGN WHERE -- PROHIBITED BY A SIGN WHERE YOU CAN SELL WHATEVER YOU WANT. IN TERMS OF ACTUALLY SCHOOL ZONE, NO, WE HAVE NOT DONE THAT KIND OF ANALYSIS COUNCILMAN.

LEFFINGWELL: WOULD THAT AMOUNT TO A CITY WIDE BAN ON PANHANDLING?

IF IT IS NEAR A ROADWAY, WE WILL HAVE THE ABILITY IF YOU EXPAND IT OUTSIDE OF THOSE THREE ZONES TO IF A PERSON IS A PROBLEM IN THAT AREA WE CAN TAKE AN ENFORCEMENT ACTION, BUT IT IS ON THE HIGHWAY OR ADJACENT TO THE ROADWAY.

I THINK ONE CONCERN, SOONER OR LATER WE WILL HAVE TO DO THAT ANALYSIS BECAUSE YOU WILL HAVE TO KNOW WHERE TO CITE SOMEBODY FOR PANHANDLING, BUT I GUESS THERE IS SOME LEGAL QUESTION ABOUT WHETHER OR NOT A CITY WIDE BAN ON PANHANDLING WOULD BE LEGAL, AND I GUESS MY QUESTION IS, DO WE KNOW IF THIS

IS TANTAMOUNT TO A CITY WIDE EVENT.

I GUESS THAT IS A QUESTION FOR THE LAWYERS AND THAT IS WHY I HAVE HIM HERE TO DEAL WITH THAT.

DAVID DOUGLAS WITH THE LAW DEPARTMENT. WE WILL HAVE TO SEE HOW MUCH OF THE CITY THAT TAKES UP IF 1,000-FOOT PERIMETER AROUND THE SCHOOLS WERE ADOPTED. WE WILL HAVE TO ADOPT IT BECAUSE YOU CAN'T PROHIBIT IT CITY WIDE.

LEFFINGWELL: WOULD YOU FURNISH WITH US THAT INFORMATION?

WE WILL GET THAT INFORMATION FOR YOU.

AND COUNCIL, I KNOW THAT WE HAVE A MAP WHERE I BELIEVE THAT WE HAVE MAPPED OUT WHERE ALL THE SCHOOLS ARE, I BELIEVE WE HAVE THAT, CORRECT? BUT I DON'T BELIEVE, AND WE DID SOME SAMPLES OF DRAWING THE LINE, BUT I DON'T BELIEVE WE'VE DONE IT ON EACH AND EVERY ONE OF THOSE AND SO WE WOULD HAVE TO GO BACK, AND WE CAN GET THAT FOR YOU. SO WE HAVEN'T DONE A CITY WIDE MAP WITH THE BOUND REAROUND EACH SCHOOL SITE.

MAYOR WYNN: COUNCIL MEMBER KIM.

KIM: THANK YOU, CHIEF. IT IS VERY HELP TO FEEL SEE ALL THE STATISTICS YOU PUT TOGETHER, AND I THINK PEOPLE CAN DRAW THEIR OWN CONCLUSIONS ABOUT THEM, BUT THE REASON WHY I BROUGHT THIS FORWARD WAS BECAUSE OF THE SAFE ISSUE AROUND THE SCHOOLS AND IN THE ROADWAY. AND THE NUMBERS CLEARLY SHOW WHAT WE HAVE BEEN SENSING THE CITY THERE HAS BEEN AN INCREASING SOLICITATION IN THE ROADWAY AND ALSO AT THE SCHOOLS. I ALSO BELIEVE THAT DO YOU HAVE NUMBERS FOR THE NUMBERS OF SOLICITATION THAT HAPPENED OR OCCURRED, CITATIONS AT SCHOOLS AND CAN YOU SHARE THAT WERE US?

ONE OF THE THINGS WE WERE ABLE TO DO, WE WERE NOT ABLE TO MAP OUT THE SCHOOLS BECAUSE THE CIRCLES

WERE SO SMALL AND RAN INTO EACH OTHER BUT JANUARY 1 THIS YEAR TO OCTOBER 31 WE LOOKED WITHIN 1,000 FEET OF EVERY SCHOOL IN THE CITY OF AUSTIN AND COUNTED THE NUMBER OF CITATIONS ISSUED EITHER FOR PEDESTRIANS IN THE ROADWAY OR VIOLATIONS OF SOLICITATION ORDINANCE AND WAS 211.

KIM: YOU HAVE THAT ON RECORD.

YES, MA'AM.

KIM: THANK YOU VERY MUCH.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ, THEN LEFFINGWELL.

THANK YOU, MAYOR. CHIEF, I WANTED TO MAKE A FEW COMMENTS BECAUSE IT IS DIFFICULT FOR ME TO DRAW A CONCLUSION FROM THE STATS YOU GAVE BECAUSE IF I WERE A HOMELESS PERSON AND NEEDED MONEY AND WAS FORCED INTO A SITUATION I HAD TO SOLICIT IN A STREET, AN INTERSECTION, I WOULD PICK THE BUSIEST INTERSECTION, I WOULDN'T SELECT INTERSECTIONS WHERE THERE WEREN'T CARS OR PEOPLE SO I DON'T SEE HOW WITH YOU DRAW CORRELATION THAT THE 20 INTERSECTIONS THAT ARE KNOWN TO HAVE THE HIGHEST RATES OF SOLICITATION, SOMEHOW CORRELATES TO MORE TRAFFIC ACCIDENTS. I THINK TRAFFIC AND ACCIDENTS ARE A PROBLEM IN AND OF THEMSELVES AND I JUST FIND THAT TO BE A LITTLE BIT OF A LEAP TO ASSUME THAT. BUT ON TOP OF THAT, YOU STATE THAT A THIRD OF THE FATALITIES, OF THE AUTO/PED FATALITIES THIS YEAR, A THIRD OF THE VICTIMS WERE KNOWN TO HAVE BEEN CITED FOR STREET SOLICITATION, BUT WHAT YOU DON'T KNOW, OR MAYBE DO YOU, IS THAT NONE OF THEM WERE KILLED IN THE ACT OF SOLICITING.

I STATED THAT EARLIER.

IT IS ALMOST LIKE YOU ARE TRYING TO SAY, SIMPLY, LIKE YOU ARE TRYING TO SAY THEY WERE KILLED IN THE ACT OF SOLICITATION. THEY COULD HAVE BEEN JUST WALKING ACROSS THE STREET AND DOWN THE SIDEWALK AND

HAPPEN TO HAVE BEEN CITED FOR SOLICITATION. AGAIN, WE DON'T HAVE THE DATA TO SAY THAT, WE DON'T HAVE EMPIRICAL DATA THAT SAYS THAT IS WHAT THEY WERE DOING WHEN THEY SUFFERED A FATAL BLOW FROM A CAR ACCIDENT. SO I THINK THAT, YOU KNOW, WE'RE BEING ASKED TO CONSIDER SOMETHING WITH INCOMPLETE DATA, AND I THINK COUNCIL MEMBER LEFFINGWELL MAKES A SAME WHEN YOU ADD 1,000-FOOT BUFFER ZONE WHAT DOES THAT DO PRAGMATICALLY TO THE SOLICITATION ISSUE STATEWIDE. THERE ARE STILL A LOT OF UNANSWERED QUESTIONS. BUT I DO APPRECIATE YOUR WORK AND UNDERSTAND YOUR MISSION AND GOAL IN TERMS OF PUBLIC SAFE, AND BEING OUR POLICE CHIEF, BUT I THINK WE ARE STRETCHING A LITTLE BIT HERE IN TRYING TO SOMEHOW SAY THAT BY ENACTING THESE TWO RECOMMENDATIONS THAT YOU MAKE, WE ARE GOING TO SOLVE SOLICITATION IN THIS CITY OR SOMEHOW BE ABLE TO HAVE AN OUTCOME THAT ELIMINATES SIS STATION IN STREET CORNERS WHERE SOLICITATION IN STREET CORNERS WHEN WE ALREADY HAVE LAW HASN'T STOPPED IT.

I DON'T THINK THAT THE POLICE DEPARTMENT WILL EVER BE ABLE TO SOLVE THE SOCIAL ECONOMIC TROUBLES THAT CAUSE PEOPLE TO HAVE TO SOLICIT. OUR ISSUE IS TRYING TO DO WHAT WE CAN TO KEEP THE TRAFFIC FLOW, MOVING, AND KEEP PEOPLE SAFE AND THAT IS REALLY WHAT OUR GOAL IS, IT IS WHAT OUR MISSION IS. BECAUSE THIS ISSUE OF SOLICITATION GOES WELL BEYOND ANYTHING THAT WE ARE DISCUSSING HERE TODAY, IT HAS A LOT TO DO WITH A LOT OF OTHER ISSUES I THINK WE HAVE TO SAVE FOR ANOTHER DAY, BUT IT IS A CHALLENGE, AND WE WILL DO MORE RESEARCH AND WHATEVER THE COUNCIL NEEDS, YOU NEED MORE INFORMATION WE WILL START WORKING ON IT, BUT I CAN TELL YOU THAT ONE OF THE ISSUES IS THE MORE COMFORTABLE I AM AROUND CARS IN TERMS OF THE PERSON'S HISTORY, I'M SO USED TO IT, MAYBE OUR COMFORT LEVEL GETS TOO HIGH AND NEXT THING YOU KNOW, YOU GET YOURSELF HURT. WE CAN LOOK FURTHER TO SEE, BY FULLING THE ACTUALLY CRASHES TO SEE WHAT THEIR ACTS WERE, BUT AT THE END OF DATE, THEY ARE DEAD, WE CAN'T GET A STATEMENT FROM THE

PEDESTRIANS KILLED SO WE THROW IT OUT THERE AND THE CONCLUSION IS FOR YOU TO REALLY DRAW, COUNCIL, AND AGAIN WE ARE HERE, A PUBLIC SERVICE AGENCY TO KEEP PEOPLE SAFE AND THAT IS WHAT OUR GOAL AND INTENT IS WITH THIS PRESENTATION.

MARTINEZ: I WOULD LIKE TO SEE YOU GIVE US DEFINITIVE DATAS TOO WHAT RESOURCES AND PERSONNEL POWER IT IS GOING TO TAKE IF YOU GIVE US THIS ADDED TOOL THAT YOU'VE REQUESTED. WHAT DOES THAT MEAN TO US AS A POLICE DEPARTMENT AND AS A CITIZEN THAT MAY USE THE 911 SYSTEM FOR ANOTHER EMERGENCY, WHERE DO THEY FIT IN THE PRIORITY OF 911 CALLS IF THERE IS A ROBBERY TAKING PLACE, BUT THIS POLICE OFFICER THAT HAPPENS TO BE GIVING A CITATION FOR PANHANDLING OR SOLICITATION IS IN THE AREA, ARE THEY ALLOWED TO RESPOND TO THAT OTHER EMERGENCY. I JUST WANT TO TRY TO QUANTIFY WHAT IT IS GOING TO COST US IN TERMS OF TIME, HOURS, AND RESOURCES.

WE WILL TRY TO GET SOME, IT IS ALL ABOUT PRIORITY. IF MY OFFICER WAS SITTING THERE WRITING A TICKET FOR A MISDEMEANOR AND A ROBBERY CALL COMES OUT, AND THEY ARE NEAR THAT CALL MY EXCEPTION THEY TURN THAT TICKET INTO A VERBAL WARNING, AND THEY ARE ON THE MOVE TO THAT ROBBERY WHERE THERE IS A GREATER EMERGENCY, AND THEY KNOW THAT IS OUR EXPECTATION, THEY NEED TO USE THE COMMON SENSE AND REALLY PRIORITIZE. ALL THIS WOULD BE, WOULD BE A TOOL THAT WHEN WE KEEP GETTING CALLS ON A PERSON WE KNOW IS OUT THERE SOLICITING, AND THEY SEE US COMING AND JUMP BACK ON THE SIDEWALK THAT THAT PROBLEMATIC PERSON WE MAY HAVE A TOOL AVAILABLE TO US TO DEAL WITH THEM TO ENCOURAGE THEM NOT TO SOLICIT BY THE HIGHWAY. WE WILL DO MORE RESEARCH AND BRING IT BACK IF THAT IS WHAT THE COUNCIL WANTS, BUT AGAIN, THANK YOU FOR YOUR COMMENTS. I KNOW PATTY IS TAKING COPIOUS NOTE, RIGHT? MENTAL NOTES?

CHIEF, I WOULD LIKE YOU TO CLARIFY ONE THING BECAUSE ONE THING I WAS CONFUSED ABOUT WHEN WE WERE BRIEF BID EXISTING MY QUESTION WHY WOULD YES WE NEED, IF THERE IS A RULE THROUGHOUT, SAYING YOU CAN'T BE IN

THE ROADWAY SOLICITING WHY WOULD WE NEED ANOTHER ORDINANCE. AND YOU ALL HELPED ME WITH THAT EXPLANATION SO I THINK WE NEED TO CLARIFY THAT BECAUSE THERE SEN FORCEMENT LOGISTIC PROBLEM WITH THE DEFINITION OF ROADWAY AND THE STATE LAW.

RIGHT AND THE TRANSPORTATION, THE CHIEF MENTIONED THIS EARLIER IN THE PRESENTATION, THE TRANSPORTATION CODE DESCRIBES THE ROADWAY AND WHAT IS NOT ALLOWED AND ONE IS SOLICITING FOR A MOTORIST FOR EMPLOYMENT AND EVERYTHING LIKE THAT, BUT UNFORTUNATELY, THE DEFINITION OF A ROADWAY ACCORDING TO THE TRANSPORTATION CODE, WHICH IS THE STATE LAW IN TEXAS, DEFINES THE ROADWAY IS THE TRAVEL PORTION OF THE ROAD BE A CEMENT THE MEDIAN OR BURM THAT MEANS THEY CAN STAND THERE AND NOT VIOLATE THE LAW THAT MEANS THEY ARE NOT STANDING STANDING IN THE TRAVEL PORTION OF THE ROADWAY THEY CAN STRAND THERE AND SELL THEIR FLOWERS AND SOLICIT FOR ANY TYPE OF FUNDS THEY WANT. WHEN DO YOU THE ROADSIDE SOLICITATION IT IS AN EXPANDED VERSION OF THE ROADWAY AND TALKS ABOUT AT A CROSS WALK, AND WE TALK ABOUT ON THE SIDEWALK, AND IT GOES A LITTLE BIT FURTHER AS AGGRESSIVE SOLICITATION.

SO LOGISTICALLY IF I AM AT A STREET CORNER AND SOMEONE KNOCKS ON MY WINDOW AND STEP INTO THE ROADWAY TO SOLICIT AT THE CAR, AND I CALL 911 AND SAY HEY THERE IS SOMEONE IN THE INTERSECTION, IF THE POLICE PULLS UP, AND THEY ARE BACK ON THE MEDIAN, THERE IS NOTHING YOU CAN DO. AND WHILE YOU ARE THERE ON THE ROADWAY, THEY CAN STAND THERE SO THE ENFORCEMENT MAKES IT VERY DIFFICULT.

YES.

AND YOU'VE SEEN THE MEDIAN ASPECT, PEOPLE STANDING ON THE MEDIAN, THAT IS NOT A SAFE PLACE TO BE. THE ERROR RATE, THE SPACE FOR ERROR FOR A DRIVER, YOU ARE IN A KILL ZONE STANDING IN THE MIDDLE OF THE STREET. I WOULD NOT BE STANDING IN THAT MEDIAN, IT IS NOT A SAFE PLACE TO BE. BUT UNDER THE STATE LAW, HELP ME, I DON'T THINK THERE IS ANYTHING WE CAN REALLY

DO ABOUT IT AND WITH EXPANSION OF THIS, WE MAY BE ABLE TO GET PEOPLE OFF THE MEDIAN AND AWAY FROM THE TRAFFIC BEFORE THEY GET HURT. BUT THAT IS THE PROBLEM, IT IS VERY RESTRICTIVE UNDER THE TRANSPORTATION CODE.

I THINK SOME PEOPLE ARE WONDERING WHY WE HAVEN'T BEEN ENFORCING THAT MORE, AND I THINK THEY NEED TO UNDERSTAND THE LOGISTICAL PROBLEM WITH BEING ABLE TO ENFORCE IT.

MAYOR WYNN: COUNCIL MEMBER COLE.

COLE: CHIEF, I APPRECIATE YOUR CONCERNS EXPRESSED ABOUT THE SAFETY ISSUES, BUT I'M VERY CONCERN WE HAD DON'T CRIMINALIZE THE SOCIALLY DISADVANTAGED WHEN WE DON'T HAVE OR HAVEN'T SUPPORTED THE IDEA THEY ARE TRULY CREATED A PUBLIC THREAT. AND SO I WANT TO ASK YOU, WHEN YOU DID YOUR STATS STATISTICAL SAMPLING, HOW MANY WERE IN THAT SAMPLE? I KNOW YOU SAID 30, BUT I MEANT THE TOTAL NUMBER. HOW MANY DID YOU HAVE TO TAKE THE SAMPLE FROM?

WE HAD A SLIDE THAT WAS UP ON THE BOARD THAT SAID WE HAD 1,659 CITATIONS ISSUES IN 2007 FROM THE FIRST OF JANUARY UNTIL AUGUST 31. EACH ONE OF THOSE CITATIONS WAS GIVEN ITS OWN CASE NUMBER SO WE WANTED 30 RANDOM. FROM THERE, SO WE DID EVERY 55th ONE AND WHATEVER PERSON CAME UP AS ARRESTED, WE CHECKED THE ARREST HISTORY WITH AUSTIN POLICE DEPARTMENT.

IT WAS A VERY QUICK SAMPLE, BUT IN OUR INTERNAL AUDIT FUNCTION HELPED THEM DRAW REPRESENTATIVE STATISTICALLY CORRECT RANDOM SAMPLE OUT OF OVER 1600.

WELL, I WANT TO ASK, JUST BECAUSE I SIMPLY DO NOT KNOW, BUT I WOULD SUSPECT THAT THE ECONOMICALLY DISADVANTAGED IN THE CITY OF AUSTIN OR ANYWHERE ARE MORE LIKELY TO HAVE A RECORD ANYWAY, THE HOMELESS POPULATION. AND SO DO YOU HAVE ANY COMMENT OR INSIGHTS INTO WHETHER, OF THAT MATTER, JUST, I DON'T WANT TO ASSUME BECAUSE SOMEONE HAS A CLASS-A OR B

MISDEMEANOR, AND THEY HAPPEN TO BE ON A CORNER ASKING FOR MONEY THAT THEY ARE AUTOMATICALLY A THREAT TO THE DRIVER PASSING BY OR SCHOOL CHILDREN.

WELL, YOU KNOW, WE ARE NOT DRAWING ANY CONCLUSION FROM THAT. AGAIN, I BELIEVE THAT IS FOR THE CITY COUNCIL TO DECIDE. WE WERE ASKED TO GET A SAMPLING OF THE CRIMINAL BACKGROUND OF THE PERSON CITED AND THAT WAS WHAT OUR RANDOM SAMPLE SHOWS, THE INFORMATION I GAVE EARLIER, 11 OUT OF 309 HAD FELONIES. -- OUT OF THE 30 HAD FELONIES. JUST BECAUSE YOU HAVE A FELON NOW, THAT DOESN'T MEAN YOU WILL BE FOR THE REST OF YOUR LIFE. WE WILL NOT DRAW CONCLUSIONS.

I CAN APPRECIATE THAT IS IN THE PURVIEW OF THE POLICY MAKER. LET ME ASK LEGAL A COUPLE QUESTIONS, I THINK YOU SAID COUNCIL MEMBER LEFFINGWELL CONCLUSIVELY WE HAD A LEGAL PROBLEM IF WE WERE ENFORCING A CITY WIDE BAN. DID UNDERSTAND YOU RIGHT?

IF YOU ABSOLUTELY OUTLAWED SOLICITATION, PANHANDLING IN PUBLIC PLACES AND PRIVATE PLACES, CITY WIDE, MANY FEDERAL COURTS HAVE SAID THAT THAT IS, THAT WOULD BE A PROBLEM THAT, WOULD BE A CONSTITUTIONAL PROBLEM. SO I SAID THAT IN THE CONTEXT OF COUNCIL MEMBER LEFFINGWELL'S QUESTION ABOUT WHAT IS LEAF, IS THERE ANY LACE LEFT WHERE SOLICITATION WOULD BE LEGAL IF WE USE THE 1,000-FOOT AREA AROUND SCHOOLS AND CERTAINLY WE WILL EVALUATE THAT AND SEE WHAT IS AVAILABLE.

AND YOU ARE TRYING TO EVALUATE IF WE JUST HOW EXPANSIVE OUR BAN CAN BE AND STILLING CONSTITUTIONAL, CORRECT.

YES.

WELL, IN I WOULD LIKE FOR YOU TO JUST GIVES YOU A BRIEF SYNOPSIS 6 THE TYPE OF LIBERTIES THAT WE ARE TRYING TO PROTECT. I BELIEVE IT IS FREEDOM OF SPEECH, FREEDOM OF ASSOCIATION, AND WHAT THOSE GENERALLY INVOLVE IN TERMS OF WHAT THE COURT IS LOOKING AT IN

TERMS OF THE CONSTITUTIONALITY OF OUR PARTICULAR BAN.

OF COURSE, IT INDICATES FIRST AMENDMENT RIGHT, THE COURTS RECOGNIZE THAT, AND THE ISSUE IS EXACTLY WHAT IS THE ORDINANCE SAY AND HOW FAR DOES IT IMPACT AN INDIVIDUAL'S EXPRESSION, RIGHTS, AND SO WHAT I THINK, THAT IS THE KIND OF RESPONSE I WOULD PREFER TO GIVE IN EXECUTIVE SESSION BECAUSE IT DEPENDS ON SPECIFICALLY WHAT TYPE OF ORDINANCE YOU ARE TALKING ABOUT AND THE PARAMETERS OF THE ORDINANCE, WHETHER IT IS SOMETHING THAT WOULD MEET THE CONSTITUTIONAL REQUIREMENTS.

OKAY, I APPRECIATE, THAT THANK YOU.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: JUST A QUESTION OF CLARIFICATION ABOUT THAT MAP YOU ARE GOING TO MAKE FOR US. I ASSUME WHEN YOU SAY WITHIN 1,000 FEET OF A SCHOOL, YOU ARE TALKING ABOUT 1,000 FEET OF EACH BOUND RE, SO IT WOULDN'T BE A CIRCLE, IT WOULD BE SORT OF AN ODD-SHAPED AREA AROUND THE SCHOOL.

CORRECT.

LEFFINGWELL: I KNOW THE EXAMPLE OF TRAVIS HIGH SCHOOL HAS BEEN USED, AND I'M FAMILIAR WITH THAT BECAUSE I WENT TO HIGH SCHOOL THERE, SO IF YOU GOT 2,000 FEET ALONG THE FRONTAGE AND 1,000 FEET ON EACH SIDE THEN YOU'VE GOT ALMOST A MILE AREA THERE, IF I'M READING THAT CORRECTLY. IF THAT IS A CORRECT INTERPRETATION.

YOU ARE RIGHT, IT WOULD NOT BE A CIRCLE. THE WAIT DRUG-FREE ZONE, FOR EXAMPLE, UNDER STATE LAW WORK AROUND SCHOOLS IS 1,000 FEET FROM THE BOUND REOF THE SCHOOL PREMISES, SO YES.

LEFFINGWELL: OKAY, I JUST WANTED TO UNDERSTAND THE PARAMETERS BEFORE THE WORK IS DONE.

MAYOR WYNN: COUNCIL MEMBER KIM.

KIM: I WONDER IF WE COULD GET A VISUAL REPRESENTATION OF WHERE SOLICITATION WOULD BE LEGAL IN THE CITY IF THESE ORDINANCES WERE TO PASS SO WE CAN HAVE AN UNDERSTANDING THAT WE ARE NOT BANNING IT CITY WIDE BUT WHAT WOULD BE, AND WHAT WOULD BE OKAY IN TERMS OF PROTECTING FREE SPEECH.

THAT IS WHAT WE ARE GOING TO DO WITH THE REQUEST YOU ALL HAVE ASKED.

WE HAVE A LAW THAT SAYS WITHIN 1,000 FEET DRUG ARRESTS AND ALCOHOL VIOLATIONS, AND WE MAKE A LOT OF ARRESTS FOR DRUG VIOLATIONS WHERE THERE IS NO ENHANCEMENT FOR BEING IN A SCHOOL ZONE SO THERE IS A LOT OF SPACE FOR PEOPLE TO DO THINGS IN THE STAY DON'T INVOKE THAT 1,000-FOOT RULE, BUT GOAL, I HOPE THAT PRETTY EASILY.

YEAH, WE WILL USE A GIF SYSTEM AND DRAW IT OUT. I THINK EVERYONE NEEDS TO SEE A VISUAL, TO SEE WHAT IT LOOKS LIKE.

YEAH, GREAT.

THANK YOU.

MAYOR WYNN: FURTHER COMMENTS? QUESTIONS? COUNCIL, WITHOUT OBJECTION IT MIGHT MAKE SOME LOGISTIC SENSE, WE HAVE POSTEDS A AGENDA ITEM 55, THE POTENTIAL SETTING OF A PUBLIC HEARING REGARDING, AGAIN NOT HAVING THE PUBLIC HEARING BUT SETTING THE PUBLIC HEARING REGARDING OUR SOLICITATION ORDINANCE AND HOW THOSE MIGHT BE AMENDED. SO, AND A NUMBER OF FOLKS SAID COME DOWN HERE SIGNED UP HERE TO SPEAK ON THIS ITEM, ITEM 55, JUST THE SETTING OF A PUBLIC HEARING. MY INSTINCT IS THESE FOLKS HAVE A STRONG OPINION ABOUT THE ISSUE A SO IF THEY ARE HERE AND WHILE THEY ARE HERE WE SHOULD GET THAT FEEDBACK IN ADVANCE OF ASKING STAFF FOR ADDITIONAL INFORMATION SO WE WILL TAKE UP ITEM 55 WHICH IS THE POTENTIAL SETTING OF A PUBLIC HEARING. OUR FIRST

SPEAKER IS OMAR, VUL THREE MINUTES AND FOLLOWED BY REBECCA BURNHEART.

MY NAME OMAR, I'M COMMUNITY ORGANIZER WITH THE WORKER DEFENSE PROJECT. WE ARE WORKING WITH THE CITY. I AM HERE TO ASK YOU FOR NOT APPROVE THESE ORDINANCES BECAUSE IT WILL AFFECT PEOPLE WHO ARE SEEKING JOB AT THE PUBLIC AREA AND THIS MEN HAVE FAMILIES AND CHILDREN AND LOOKING FOR WORK AT THE CORNER IS A WAY TO BRING SOME MONEY AND FOOD TO THE FAMILIES. IF YOU APPROVE THIS ORDINANCE, YOU ARE GOING TO COMMIT THEM TO POVERTY SO PLEASE DO NOT DO THAT. THANK YOU.

MAYOR WYNN: THANK YOU. AND NOTE AGAIN, IF WE SET THE PUBLIC HEARING THAT WILL THEN BE A GOOD FORMAT FOR FOLKS TO GIVE US AN OPINION ABOUT THE SPECIFICS OF ANY PROPOSALS. REBECCA, YOU HAVE THREE MINUTES TO BE FOLLOWED BY DEBBY RUSSELL.

THANK YOU. MY NAME REBECCA AND I REPRESENT THE ACLU OF TEXAS. OF COURSE, IT IS OUR VIEW WE ALREADY HAVE VERY BROAD ANTISOLICITATION ORDINANCES IN AUSTIN ON THE BOOKS AND THESE PROPOSED ORDINANCES WOULD VIOLATE THE FIRST AMENDMENT, BUT I WILL HOLD ON DISCUSSING THAT IN DETAIL TODAY. INSTEAD, I WOULD LIKE TO REITERATE THE REQUEST WE'VE MADE AND MEMBERS HAVE MADE TO BE INVOLVED IN ANY PROCESS IF A HEARING IS SET FOR DISCUSSING HOW THESE PROPOSED ORDINANCES CHANGE DURING THE PROCESS OF HEADING TOWARD THE HEARING. THE CIVIL LIBERTIES COMMUNITY, DAY LABOR, HOMELESS, WOULD ALL LIKE TO BE STAKEHOLDERS IN THAT PROCESS AND AS YET THERE HASN'T BAN PROCEDURE FOR US TO COME TO THE TABLE. I WOULD ALSO LIKE TO ADDRESS AN ISSUE RAISED BY THE POLICE, THE ISSUE OF ONE-THIRD OF THE FOLKS THAT WERE THE VICTIMS OF TRAFFIC DEATH VIOLATING THE PEDESTRIAN IN THE ROW ROADWAY RULE, MEANING JAYWALKERSES WILL, NOT JUST PEOPLE WHO HAPPEN TO BE ASKING FOR MONEY NEAR A STREET, WENT THROUGH ALL 17 INCIDENTED FOR 2007 AND BECAUSE THERE IS A PRESS RELEASE THAT AUSTIN POLICE DEPARTMENT ISSUES, AND CHIEF ROBINSON TOLD ME THERE HAS BEEN 17

INCIDENTS SO I THOUGHT I WOULD CHECK THEM OUT. FIVE OF THEM OCCURRED 5:00 A.M. AND 2:00 A.M., NOT A TIME WHEN PEOPLE ARE ASKING FOR MONEY. FIVE WERE JAYWALKERS, THAT IS PEOPLE WHO TRIED TO CROSS A MAJOR STREET IN THE MIDDLE OF A BLOCK. DOESN'T SOUND LIKE SOMEBODY IS ASKING FOR MONEY IN AN INTERSECTION. ONE MAN WAS KILLED BECAUSE HE WAS ASLEEP UNDER A TRUCK AT 4:00 IN THE MORNING. PROBABLY HOMELESS AND PROBABLY NOT ASKING FOR MONEY. ONE PERSON WAS KILLED CROSSING I-35 ON FOOT. CLEARLY NOT A GOOD IDEA. PROBABLY NOT CONNECTED TO ASKING FOR MONEY. THERE WERE ALSO TWO PEDESTRIANS WHO WERE HIT BY CARPS WHEN THEY WERE WALKING ON A FRONTAGE ROLLED OFF A MAJOR HIGHWAY, I-35. ONE WAS WALKING WITH A WOMAN AND A BABY AND A BABY KARAJAN ONLY THE MAN WAS KILLED. ALSO DOESN'T SOUND LIKE SOMEBODY ASKING FOR MONEY. I THINK THIS CITY HAS A SERIOUS PUBLIC SAFETY PROBLEM AND SOUNDS LIKE IT NEEDS SIDEWALKS AND CROSS WALKS AND TRAFFIC LATES. AND WE WOULD LIKE -- LIGHTS. AND WE WOULD LIKE TO SEE NO MORE ANTISOLICITATION ORDINANCES. THANK YOU.

MAYOR WYNN: THANK YOU. DEBBIE RUSSELL, WELCOME. IS STEWART BLAKELY HERE? DEBBIE, YOU HAVE UP TO THREE MINUTES. WELCOME, WE WILL TALK ABOUT THE CONCEPT OF POTENTIALLY SETTING A PUBLIC HEARING. WELCOME.

THANK YOU, MAYOR, COUNCIL. I WANT TO ACTUALLY SAY A COUPLE THINGS FOR CLINT SMITH WHO COULDN'T BE HERE TODAY. HE WONDER BECOME COUNCIL MEMBER KING BRINGING THIS FORWARD AND HER CONCERN ABOUT FAMILIES AND HER WORK ON THAT ISSUE TOO, BUT SAYS WHAT ABOUT HOW THIS, THIS IMPACT OF THIS PROPOSAL, HOW WILL THAT PLAY-OFF AND AIF HE CAN FAMILIES BECAUSE FAMILIES TOO LOSE HOMES, NOT JUST INDIVIDUALS SO WE KNEAD TO THINK ABOUT THAT. AND A FUNDAMENTAL QUESTION, AGAIN THIS IS CLINT SMITH WITH GRAY PANTHERS ASKING THIS, A FUNDAMENTAL QUESTION IS, WE HAVE TO YET LEEWAY FOR POSSIBLE ARBITRARY AND CAPRICIOUS INTERPRETATION AND THAT IS PRECISELY WHY THIS ORDINANCE WE HAVE ON THE BOOKS NOW IS STRUCK DOWN, BECAUSE OF THOSE REASONS SO WHY ARE WE BROADENING AN ALREADY UNCONSTITUTIONAL ORDINANCE.

AND TO THE CHIEF, OFFICIALLY NOW THE HONEYMOON IS OVER SO JUST WANTED TO STATE THAT FOR THE RECORD. [LAUGHTER] HE DID TELL ME HE WOULD NOT SUPPORT AN UNCONSTITUTIONAL LAW AND NOW HE IS SAYING HE WILL SUPPORT AN UNCONSTITUTIONAL LAW.

MAYOR WYNN: FOR THE RECORD, THIS IS THE LONGEST HONEYMOON.

THERE YOU HAVE IT [LAUGHTER] WHAT THIS IS ABOUT IS WE HAVE BEEN FROM THE GET-GO MAKING THIS A MAJOR PUBLIC SAFE KEN EARN AND -- SAFETY CONCERN, AND WE NEED TO BE CAREFUL ABOUT THAT. EVERY TIME THE QUALITY OF LIFE ISSUES HIT THE HEADLINES, THAT IS THE LANGUAGE AND THAT CREATES THE HATE AND THE FEAR AND MORE INCIDENCE THAT CHIEF IS GOING TO HAVE TO TAKE CARE OF SO WE REALLY NEED TO BE CAREFUL ABOUT OUR WORDING, ESPECIALLY, YOU KNOW, SPEAKING AS THE MAYOR DID MONDAY NIGHT, PEOPLE ARE UNCOMFORTABLE BEING IN THEIR CARS WITH A STRANGARY FEW INCHES AWAY. I DON'T THINK THAT IS A BASIS FOR EXPANDING AN UNCONSTITUTIONAL ORDINANCE. I WANT TO SAY LASTLY, QUICKLY, LACK OF SERVICE, NOT LACK OF WHY PEOPLE ARE ON THE STREETS AND PLEASE DON'T CRIMINALIZE THE MARGINALIZED. THANK YOU.

MAYOR WYNN: THANK YOU MISS RUSSELL. OUR NEXT SPEAKER IS WAYNE KROUSE, WISHING TO SPEAK IN OPPOSITION, AS DID CARL LA, SIGNED UP WISHING TO ADDRESS THIS. AS IS LOUISA. SORRY IF I MISPRONOUNCED THAT. YOU WILL BE FOLLOWED BY LYNN WITTINGTON.

GOOD AFTERNOON COUNCIL MEMBERS AND PEOPLE PRESENT HERE. I'M PART OF THE WORKER'S PROJECT AND THE HISPANIC COMMUNITY, AND I'M SO WORRIED ABOUT THIS KIND OF PROPOSAL AND THIS ANTISOLICITATION ORDINANCE AND TOO MUCH ISSUES THAT ARE PROMPTING PAN NICK MY COMMUNITY. WHILE THIS ORDINANCE IS AFFECTING SO MANY OTHER, CRIMINALIZED POVERTY ALSO, IF THE CITY OF AUSTIN APPROVED THIS ORDINANCE, YOU HAVE A CHANCE TO GET SUPPORT OF FAMILIES. WE HAVE TO CONSIDER THE PEOPLE THAT IS GOING TO BE DIE FOR HUNGER, ALSO. DAY LABORERS ARE HONEST, AND THEY

WORK REALLY HARD EVERY DAY WAITING FOR CONTRACTORS AT CORNERS IS THE ONLY WAY TO GET A JOB AND SUPPORT THEIR FAMILIES. PLEASE ATEND THIS MATTER AND RECONSIDER TO STOP THIS ANTICONSTITUTIONAL PROPOSAL. DON'T IGNORE DAY LABORERRERS PLEASE AND THE HOMELESS, THEY CONTRIBUTE TO THE ECONOMY OF THIS COUNTRY. THAT IS IT, THANK YOU.

THANK YOU. OUR FINAL SPEAKER WHO HAS SIGNED UP AT LEAST IS LYNN WITTINGTON, WISHING TO SPEAK IN FAVOR. COUNCIL, THAT SAUL OF OUR SPEAKERS FOR THIS ITEM NUMBER 55. ITEM FOR COUNCIL POTENTIALLY SETTING A PUBLIC HEARING REGARDING THE SOLICITATION. FURTHER COMMENTS, QUESTIONS? COUNCIL MEMBER, KIM.

KIM: I WANT TO THANK EVERYONE FOR SPEAKING ABOUT THE DRAFT ORDINANCE AND ABOUT SETTING A PUBLIC HEARING. I AGREE WITH A LOT OF THE STATEMENTS MADE THAT WE DO NEED TO DO MORE TO HELP PEOPLE WHO WERE HOMELESS AND PEOPLE WHO LIVE IN POVERTY, AND WE HAVE A RESPONSIBILITIES A COMMUNITY TO ADDRESS THAT AND TO BE COMPASSIONATE. ALSO, WE HAD A PRESENTATION EARLIER TODAY ABOUT MENTAL ILLNESS AND HOW COUNCIL MEMBER LEFFINGWELL EVEN MENTIONED THAT IN THE STATE WE ARE ABYSMALLY RANKED AS THE LOWEST IN THE CITY IN TERMS OF RESOURCES PER CAPITA MORE ASSISTING PEOPLE WHO ARE MENTALLY ILL AND IN TEXAS, IF YOU LOOK AT OUR STATE COMPARED TO THE NATIONAL AVERAGE, WE ARE NUMBER 46 THE LAST TIME I LOOKED SO I AGREE WE DO NEED TO DO MORE IN TERMS OF SOCIAL SERVICE, HOWEVER I DO NOT THINK IT IS SAFE OR RIGHT FOR US TO PUSH PEOPLE INTO THE STREETS TO GET HELP AND TO MAKE A LIVING. THAT IS SOMETHING THAT PUTS THEIR LIVES AND OTHER PEOPLE IN THE CITY IN DANGER AND I THINK THE NUMBERS DO SPEAK FOR THEMSELVES AND THIS IS SOMETHING HAD A IS STARTING TO ESCALATING MORE, AND I WONDER HOW MUCH MORE CAN WE TAKE BEFORE WE SAY ENOUGH IS ENOUGH WITH PEOPLE BEING HURT AND KILLED. ALSO THE SCHOOL IS SOMETHING THAT IS A PARTICULAR ISSUE THAT HAS PARENTS VERY CONCERNED AND JUST LOOKING AT THE NUMBERS WE HAVE SO FAR, I KNOW WE

WILL LOOK AT THEM MORE CLOSELY, IS ALARMING TO ME THAT WE HAVE 211 CASES JUST THIS YEAR OF SOLICITATION AT OR NEAR SCHOOL, I THINK SHOULD GIVE ANYONE CONCERN WHEN WE WE ARE TALK ABOUT OUR CHILDREN. THERE WERE CONCERNS ABOUT DAY LABORERS, AND I REALLY WANT TO WORK WITH YOU IN TERMS OF ADDRESSING YOUR CONCERNS BECAUSE THIS IS NOT AT ALL INTENDED TO MAKE ILLEGAL DAY LABOR ACTIVITY, AND I THINK THAT MAYBE WE CAN CLEAR THAT UP WITH SOME LANGUAGE OR AMENDMENTS, AND I'M OPEN TO SUGGESTIONS FROM THE WORKER'S DEFENSE PROJECT OR ANY OTHER GROUPS IN TERMS OF DAY LABORTIVE TO MAKE SURE WE ARE NOT OVER REACHING IN TERMS OF THE POPULATION THAT WILL BE AFFECTED IN TERMS OF DAY LABOR. SO I AM SUGGESTING THAT DO WE SET A PUBLIC HEARING AND LOOKING AT THE CALENDAR OUR NEXT COUNCIL MEMBER IS OCTOBER 11, AND SINCE SOME OF US ARE ALL ON CAMPO, I ANTICIPATE WE WILL SPEND A LOT OF TIME ON THAT. MY SUGGESTION AND MOTION IS TO SATURDAY PUBLIC HEARING FOR OCTOBER 18 AND THAT WILL GIVE US HOPEFULLY ENOUGH TIME TO WORK THROUGH SOME CONCERNS THAT THE PEOPLE HAVE COME HERE TO RAISE FOR US.

MAYOR WYNN: MOTION BY COUNCIL MEMBER KIM, SECONDED BY COUNCIL MEMBER McCRACKEN TO APPROVE ITEM NUMBER 55, NOTING HOWEVER, THAT THE DATE AND TIME WILL BE OCTOBER 18th, 2007, NOT BEFORE 6:00 P.M. HERE AT THE CITY COUNCIL MEETING THAT THURSDAY. FURTHER COMMENTS COUNCIL MEMBER MARTINEZ MARTINEZ.

I'M CURIOUS IF THE MAKERS OF THE COMMOTION SPEAK TO WHAT KIND OF PROCESS WE ARE LOOKING AT IN TERMS OF STAKEHOLDER INPUT OR FEEDBACK THAT COUNCIL CAN GET PRIOR TO THE 18th SO WE CAN CONSIDER IT AND DISCUSS IT.

I'M OPEN TO DISCUSSIONS. I WOULD LIKE TO HAVE A DRAFT ORDINANCE JUST FOR PEOPLE TO COMMENT FOR THEY WANT TO MAKE SUGGESTIONS OR AMENDMENTS TO WORK OFF OF THAT. IF PEOPLE HAVE SUBSTITUTION MOTIONS OR AMENDMENTS THAN ORDINANCES THEY CAN BRING THAT TO

US AS WELL AND ALSO MAYBE THE CITY MANAGER WITH HELP WITH US APD AND COORDINATE MEETING WITH THE PEOPLE SIGNED UP HERE AND THE PEOPLE EXPRESSED CONCERNS.

IS THE PROPOSAL TO SIMPLY HAVE A PUBLIC HEARING ON THE 18th OR HAVE A PUBLIC HEARING AND POSSIBLY TAKE ACTION ON --

AND TAKE ACTION, YES. PUBLIC HEARING AND TAKE POSSIBLE COUNCIL ACTION.

MAYOR WYNN: COUNCIL MEMBER McCRACKEN INTO I THINK THIS INITIATIVE DESERVE AS PUBLIC HEARING, I SUPPORT IT, I THINK WE HAVE SEEN EVIDENCE THAT AT A MINIMUM THAT, YOU KNOW, LIKE COUNCIL MEMBER LEFFINGWELL HAS ASKED MORE INFORMATION IF YOU COLOR CODED THE MAP WHAT DOES IT LOOK LIKE, THAT IS INFORMATION DESERVE AS PUBLIC HEARING ABOUT WHAT THAT LOOKS LIKE. I THINK AT A MINIMUM, THERE IS HOPEFULLY THERE IS BROAD AGREEMENT THAT FOLKS ASKING FOR MONEY OR SELLING STUFF ON THE SIDE OF THE ROAD IS UNSAFE FOR EVERYBODY INVOLVED. IT IS CLEARLY NOT WHERE YOU WANT PEOPLE ASKING FOR MONEY IF THAT IS WHAT'S GOING TO HAPPEN. I ALSO PERSONALLY THINK IT IS NOT SAFE FOR FOLKS IN THE THEIR CAR, PARTICULARLY WHEN 14 OUT OF 30, WELL OVER A THIRD HAVE FELONY ARREST RECORDS AND HALF HAVE SOME SORT OF CRIMINAL RECORD IN THE SAMPLE, SO WE CAN DISAGREE ABOUT WHETHER THAT IS A LEGITIMATE REASON, I THINK IT IS A LEGITIMATE REASON, OTHERS CAN DISAGREE, I THINK WE CAN HAVE BROAD CONSENSUS IT IS NOT A SAFE SITUATION FOR PEOPLE TO BE DOING THIS ON THE SIDE OF THE ROAD. AS FAR AS THE SCHOOL ZONE, ALL OF US THAT HAVE YOUNG CHILDREN KNOW ABOUT STRANGER DANGER, IT SHOULD NOT HAVE AN ASTERISK NEXT TO IT THAT EXCEPT EXCEPT FOR THAT.

IS IT APPROPRIATE FOR THIS TO BE REVIEWED BY ANY OF THE CITY'S BOARDS AND COMMISSIONS BEFORE IT COMES BACK TO COUNCIL?

COUNCIL MEMBER, CHANGE IS A POLICY DECISION FOR THE

COUNCIL TO MAKE. I DON'T BELIEVE IT IS LEGALLY NECESSARY, BUT CERTAINLY IF YOU WANT FEED BACK FROM BOARDS AND COMMISSIONS THAT IS THE COUNCIL'S PROGRESSTIVE.

I KNOW A -- PREROGATIVE.

A LOT A LOT OF THEM HAVE TO BE REVIEWED.

THIS DOES NOT FALL INTO THAT CATEGORY.

MAYOR WYNN: AND I TRUST BY SETTING THE PUBLIC HEARING BY OCTOBER 18th, SO THREE WEEKS FROM NOW, I TRUST THAT GIVES APD INDOOR, EVEN OUR GIS DEPARTMENT TIME TO CREATE SOME OF THE MAPS AS COUNCIL MEMBER LEFFINGWELL POINTED OUT AND MY HOPE WEEK YOU ARE RELATIVELY PRACTICED AT THIS THAT QUO HAVE AN INTERIM OUT REACH PROGRAM AS THE SPECIFIC CHANGES OR ORDINANCE AMENDMENTS ARE DRAFTS, NOT ONLY IN THE PUBLIC GENERALLY VIA OUR WEB PAGE, BUT WE ALSO HAVE SOME OBVIOUS STAKEHOLDERS WHEN IT COMES TO, YOU KNOW, THIS ISSUE, AND WE COULD HAVE, IT IS AN ORGANIZED OUT REACH SO IF THERE IS FORMAL STAKEHOLDER INPUT AND PROCESS WELL IN ADVANCE OF THAT 18th PUBLIC HEARING. COUNCIL MEMBER MARTINEZ.

MARTINEZ: BECAUSE HAS BEEN TALKED ABOUT AS A PUBLIC SAFETY ISSUE, THE PUBLIC SAFE TASK FORCE WOULD BE MORE THAN HAPPY TO TAKE THIS ISSUE ON AND BRING IT FORWARD FOR PUBLIC INPUT AND MAKE A RECOMMENDATION.

MAYOR WYNN: IS THAT A REQUEST COMING FROM THE PUBLIC SAFE TASK FORCE. I WOULD SUGGEST THAT NOT BE IN LIEU OF SORT OF A STRUCTURELED OUT REACH PROGRAM BY APB AND/OR OUR LAW DEPARTMENT.

GOAL SOME GENERAL OUT REACH AND BRING IT TO THE PUBLIC SAFETY TASK FORCE AND PROBABLY ALSO DO OUT REACH TO THE HOMELESS SUB COMMITTEE AND THEN WE WILL TRY IN THE INTERIM TO SEE WHAT WE CAN DO TOES DO AS MUCH OUT REACH AS POSSIBLE. WE WILL DO THE

MAP, ANALYSIS ON BOTH THE FATALITY AND CRASH STATISTICS, WE WILL TRY TO GO BACK A LITTLE FURTHER. CHANGE WAS ONE OF THE OTHER COMMENTS, LOOKING FOR MORE OF A HISTORICAL TREND. ALSO, SINCE WE ARE INVOLVING OTHER GROUPS AND THERE IS A CONCERN ABOUT MENTAL ILLNESS AND HEALTH COULD WE GET THE HOSPITAL DISTRICT FEEDBACK AS WELL TO GET THE ROOT CAUSE OF HOMELESSNESS BECAUSE I'M OPEN TO HEARING THAT AS WELL IF THERE IS ANYTHING TO IMPROVE OUR SERVICES FOR PEOPLE WHO ARE HOMELESS. I'M OPEN TO THAT.

THAT WAS THE INTENT OF GOING CAN, YOU WILL CAPTURE THE HEALTH DISTRICT AND HEALTH DEPARTMENT AND A NUMBER OF PROVIDERS THAT WORK IN THE HOMELESS AREA.

AND APPROPRIATE FOR THE HUMAN RIGHTS COMMISSION TOO.

OKAY.

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MAYOR WYNN: WE HAVE A MOTION AND A SECOND ON A TABLE APPROVING AN AMENDED ITEM NUMBER 55. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH MAYOR PRO TEM. COUNCIL, WE JUST HAVE A FEW MINUTES BEFORE OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, NOT NEARLY ENOUGH TIME FOR HIM TO WALK US THROUGH THE PROPOSED CONSENT AGENDA WE HAVE ONE ADDITIONAL POSTED ACTION ITEM, THAT BEING ITEM NUMBER 226789 REMEMBER WE HAD A LENGTHY DISCUSSION -- NUMBER 22. REMEMBER, WE HAD A LENGTHY DISCUSSION IN CLOSED SESSION FOR LEGAL INPUT WITH VARIOUS AGREEMENTS WITH THE AUSTIN REVITALIZATION AUTHORITY WHICH WE HAD IN CLOSED SESSION EARLIER AND IN PART BECAUSE WE ARE POSTED FOR THIS ACTION NUMBER 22, THAT BEING THE FIRST AMENDMENT TO ONE AGREEMENT, A 45-DAY EXTENSION SO PERHAPS A BRIEF STAFF PRESENTATION AS TO TECHNICALLY WHAT ITEM NUMBER 22 WILL DO FOR US, AND OUR PARTNERS AT THE

AUSTIN REVITALIZATION AUTHORITY AND OR THE URBAN RENEWAL AGENCY. AND THEN WE CAN TAKE ACTION. I BELIEVE WE HAVE ONE CITIZEN HERE TO GIVE HIS TESTIMONY.

PAUL IS MOVING A LITTLE SLOW, THAT IS WHAT HAPPENS WHEN YOU'VE HAD A BIRTHDAY. I WAS TRYING TO BUY YOU SOME TIME THERE PAUL.

THANK YOU VERY MUCH. PAUL, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. ITEM NUMBER 22 IS AN ITEM TO ASK THE COUNCIL TO EXTEND THE INDUSTRY-PARTY AGREEMENT BETWEEN THE CITY, THE URBAN RENEWABLE AGENCY AND . THAN IS THE FOUNDATION OF THE DEVELOPMENT BETWEEN THOSE THREE PARTIES FOR THE REDEVELOPMENT REVITALIZATION OF 11th AND 12th STREET. THE REQUEST HAS BEEN ASKED FOR BY THE URBAN RENEWAL BOARD AND THE AUSTIN REVITALIZATION AUTHORITY AND IS BEING ASKED FOR TO GIVE THEM TIME TO DELIBERATE ON ANY ISSUES THEY HAVE GOING FORWARD. ON HOW THEY SHOULD DEFINE THE DEVELOPMENT AND ROLES AND RESPONSIBILITIES OF THE DIFFERENT PARTIES IN THE DEVELOPMENT, MOVING FORWARD WITH THE REVITALIZATION. SO THE AGREEMENT HAS OUTLINED IN THE PAST, SPECIFIC RULES AND RESPONSIBILITIES, THERE HAVE BEEN SOME DISCUSSION ABOUT MODIFYING THOSE ROLES AND RESPONSIBILITIES AND THERE NEEDS TO BE TIME FOR SOME DIALOGUE BETWEEN THE PARTIES TO COME TO AGREEMENT, WE FULLY ANTICIPATE BEING ABLE TO DO THAT WAN -- WITHIN A 45-DAY PERIOD. I WOULD BE GLAD TO ANSWER ANY QUESTIONS IF THAT SATISFIES WHAT THE COUNCIL IS LOOKING FOR.

MAYOR WYNN: THANK YOU. QUESTIONS? COUNCIL MEMBER MARTINEZ.

MARTINEZ: THANK YOU, MAYOR. PAUL, I JUST WANTED TO JUST ASK THAT, I'M GOING TO SUPPORT THE 45-DAY EXTENSION, BUT WE WERE GIVEN PRETTY SIGNIFICANT INFORMATION IN EXECUTIVE SESSION SO I WANT TO GIVE AS STRONG A DIRECTIVE AS I CAN THAT WE NEED TO COME TO SUBSTANTIAL AGREEMENTS THAT CLEARLY LINE OUT THE

OBJECTIVES TO REACH OUR GOALS IN A TIMELY MANNER.
[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

FURTHER QUESTIONS OF STAFF? COUNCIL MEMBER COLE?

COLE: MAYOR, I JUST WANTED TO ASK MR. HILGERS, HOW LONG HAS THE CITY BEEN IN THE RELATIONSHIP WITH THE URBAN RENEWAL AGENCY AND IT IS ARA?

ACTUALLY, THE AUTHORITY HAS BEEN AROUND SINCE 19 -- AND THE RENEWAL BOARD HAS BEEN AROUND FOR A LONG TIME, '95. IN EARNEST IT GOT REINVIGORATED TO DEAL WITH THE ISSUES ON 11TH AND 12TH STREET, THE AUSTIN REVITALIZATION AUTHORITY HAS BEEN AROUND FOR THAT LONG, SO IT'S BEEN AROUND FOR OVER TEN YEARS. THE REVITALIZATION HAS BEEN TAKING PLACE IN EARNEST, REALLY, SINCE 1997. AND SO IT HAS BEEN A LONG RELATIONSHIP.

COLE: AND I KNOW THAT YOUR OFFICE IS THERE. WHAT -- CAN YOU JUST BRIEFLY TELL US WHAT CITY OFFICES ARE ACTUALLY HOUSED IN THE 11TH AND 12TH STREET CORRIDOR?

OH, YES, MA'AM. OUR OFFICES, WE HAVE THE TOP THREE FLOORS OF THE STREET JONES BUILDING AND WE'VE BEEN THERE FOR THREE YEARS SINCE AUGUST. THAT IS -- THAT IS ALL THE CITY OFFICES THAT ARE IN THAT BUILDING. I WILL SAY THAT THE BALANCE OF THE OFFICE SPACE IS NOW 95% OCCUPIED WITH OTHER TENANTS, INCLUDING US. BUT THOSE ARE NO OTHER CITY OFFICES. THOSE ARE ALL OTHER BUSINESSES 'OL.....

COLE: WELL, BASED ON THE INFORMATION I'VE RECEIVED THUS FAR, IT IS GENERALLY MY UNDERSTANDING THAT THE CITY'S INVESTMENT -- THE STAFF IS WORKING VERY HARD TO MAKE SURE THAT THAT IS PROTECTED. WOULD THAT BE A FAIR ASSESSMENT?

YES, MA'AM, THAT IS A FAIR ASSESSMENT.

COLE: I THINK IT'S REALLY PART THAT THE DEVELOPMENT EFFORTS IN EAST 11TH AND 12TH STREET CONTINUE, AND

MORE IMPORTANTLY THAT THE PARTIES TO THAT AGREEMENT, INCLUDING US, THE CITY OF AUSTIN AND THE URBAN RENEWAL AGENCY AND ARA NEGOTIATE IN GOOD FAITH SO THAT WE ACTUALLY HAVE AN AGREEMENT THAT COUNCIL CAN SIGN OFF ON AT A LATER TIME.

YES, MA'AM. THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? AND ONE THING -- WE HAVE ONE SPEAKER SIGNED UP WISHING TO ADDRESS US. GUST PENA SIGNED UP WISHING TO -- APPARENTLY SUPPORT ITEM NO. 22. GUS PENA SIGNED UP WISHING TO SPEAK IN FAVOR. WE'LL MAYBE SEE MR. PENA LATER.

11.

WE'LL NOTE HIS SUPPORT FOR THE REPORT.

MAYOR WYNN: ANY FURTHER QUESTIONS? I'LL JUST SAY, OBVIOUSLY A LOT OF -- A LOT OF FOLKS IN THIS TOWN WHO EITHER HAVE BEEN HERE FOR A VERY LONG TIME AND REMEMBER SOME PRETTY SPECIAL HISTORY, 11TH AND 12TH STREET, DECADES AND DECADES AGO AND THEN THAT IS FOLKS THAT HAVE BEEN PAYING MORE ATTENTION THIS LAST DECADE TO IT. WE WOULD ALL LIKE TO SEE MORE ACTIVITY OVER THERE, AND NOW IS A PRETTY IMPORTANT JUNCTURE IN THAT, YOU KNOW, THERE IS, YOU KNOW, SIGNIFICANT INTEREST IN REVITALIZATION IN OUR URBAN CORE IN GENERAL. THERE IS MORE FOLKS WHO WANT TO LIVE IN -- NEAR -- NEAR IN NEIGHBORHOODS, AND IT'S AN IMPORTANT THING FOR US AS A COMMUNITY TO HAVE A LOT MORE PEOPLE LIVING A LOT CLOSER TO WHERE THEY WORK AND WHERE THEY SHOP AND PLAY AND WORSHIP AND GO TO SCHOOL, AND SO THERE IS -- THE MARKET DYNAMICS ARE SUCH THAT THIS IS WHEN WE SHOULD BE MAKING VERY IMPORTANT STRIDES WHEN IT COMES TO DELIVERING ON THAT REVITALIZATION WITH THE PROMISE OF CONTINUED HOME OWNERSHIP FOR FOLKS WHO HAVE BEEN THERE, WANT TO STAY THERE, THE COMPLICATIONS OF AFFORDABILITY WITH THE RISING CONSTRUCTION COSTS, YOU KNOW, THE PARTNERING BETWEEN THE CITY, THE REVITALIZATION AUTHORITY, THE URBAN RENEWAL BOARD

IS VERY, VERY IMPORTANT THAT WE BE SUCCESSFUL. AND SO MY PLEA, I GUESS, IS THAT I HAVE A LOT OF CONFIDENCE IN THE CITY STAFF AND I'VE SEEN THE WORK THAT THEY HAVE BEEN DOING LATELY, SORT OF FINANCIALLY/LEGALLY FROM AN URBAN PLANNING STANDPOINT, AND I REALLY, REALLY ENCOURAGE OUR FRIENDS AT THE AUSTIN REVITALIZATION AUTHORITY, MY APPOINTEES OF THE URBAN RENEWAL AGENCY, TO TAKE THESE 45 DAYS AND REALLY FOCUS AND LET'S REALLY NEGOTIATE IN GOOD FAITH AND COME TO A LONG-TERM AGREEMENT AND CONTRACT THAT WILL ALLOW US TO -- AS MY GRANDPA USED TO SAY, MAKE SOME HAY WHILE THE SUN IS SHINING AND SEE MORE INFILTRATION DEVELOPMENT OCCURRING THERE ON 11TH AND 12TH STREET. I'LL ENTERTAIN A MOTION.

COLE: APPROVAL.

MOTION BY SCMEB COAL, SECOND BY KIM, TO APPROVE ITEM NO. 22 AS PRESENTED BY STAFF, THIS 45 DAY EXTENSION OF OUR ITEM 23. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL THAT TAKES US PAST OUR 5:30 BREAK FOR THE LIVE MUSIC. ZONING CASES, WE WILL TAKE THOSE UP IMMEDIATELY AFTER OUR PROCLAMATIONS, BUT PLEASE STAY TUNED FOR OUR MUSICIAN, TODAY JEFF GALLAGHER. THANK YOU VERY MUCH. WE ARE NOW IN RECESS. [APPLAUSE] WALKS.

ALL RIGHT. THAT WAS THE SOUND CHECK. RELAX. THE MAYOR MISSED HIS CUE. SORRY. NORMALLY TAKES US SEVERAL TRIES ACTUALLY DOGHTSIC TO GET THE SOUND AS GOOD AS THAT IS. OKAY. TIME ONCE AGAIN FOR OUR WEEKLY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. JOINING US IS SINGER SONGWRITER JEFF GALLON GALLAGHER. ORIGINAL FOAB AND ROCK INFLUENCE CAN BE HEARD ON UPCOMING FIRST FULL LENGTH STUDIO ALBUM TITLED EAT OF REASON. CATCH HIM AT THE IVORY CAT, TROPHIES, AGAVE AND ORIGINAL MUSIC SHOWCASE GIG AT THE BLIND PIG PUBLIC. JOIN.....PUBLIC -- PUB, JOIN ME IN

WELCOMING MR. JEFF GALLAGHER.

ALL RIGHT. MY NAME IS JEFF GALLAGHER. THIS IS A SONG I
WROTE CALLED CITY SONGS. [GUITAR MUSIC] [(music)
SINGING (music)] [APPLAUSE]

THANK YOU.

FABULOUS. REMIND US AGAIN. WHERE WE HEAR YOUR
UPCOMING SHOWS?

AT THE MOMENT THERE ARE NO SHOWS. I'M IN THE STUDIO
JUST WORKING ON THE RECORD, FOCUSING ON THAT.
THERE WILL BE SHOWS TO COME, PROBABLY END OF
OCTOBER IS WHEN I'M GOING TO START HITTING SIXTH
STREET AGAIN.

I TRUST YOUR WEB SITE HAS THAT SCHEDULE --

YEAH.

MAYOR WYNN: AS IT DEVELOPS -- THE WEB SITE IS --

MYSpace.COM BACK SLASH JEFFREY GAG GER.

MAYOR WYNN: AND WHEN WILL THE ALBUM BE OUT AND
WHERE CAN WE GET IT?

IT SHOULD BE OUT. THAT'S A GOOD QUESTION. [INAUDIBLE]

MAYOR WYNN: OKAY. GOOD. WELL, WE'RE LOOKING
FORWARD TO IT. MAKE SURE WE GET A COPY HERE AT CITY
HALL.

DEFINITELY.

MAYOR WYNN: BEFORE WE GET AWAY WE HAVE AN OFFICIAL
PROCLAMATION, SIGNED, STEELD, STAMPED. IT READS, BE IT
KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY
MAKES MANY CONTRIBUTIONS TOWARDS THE
DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND
CULTURAL DIVERSITY AND THE DEDICATED EFFORTS OF
ARTISTS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITAL

OF THE WORLD, NOW, THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN TEXAS DO HEREBY PROCLAIM TODAY, DECEMBER 27, 2007 AS JEFF GALLAGHER DAY IN AUSTIN, [INAUDIBLE] [APPLAUSE] [CHEERING]

THANK YOU. [SCREAMING ENCORE]

MAYOR WYNN: OUT IN THE PLAZA WE'LL HAVE THE ENCORE HERE IN A FEW MINUTES. SO WHILE JEFF BREAKS DOWN ON THAT SIDE OF THE ROOM WE'LL USE THIS PODIUM OVER HERE TO START DOING OUR WEEKLY PROCLAMATIONS. YOU KNOW WE TAKE THIS TIME EACH WEEK TO SAY THANKS TO SOME FOLKS, TRY TO RAISE AWARENESS ABOUT AN ISSUE, CONGRATULATE PEOPLE, SAY GOOD-BYE TO SOME PEOPLE. BUT WE'RE STARTING WITH SPECIAL CELEBRATION, CHIEF, COME JOIN ME. WE GOT A BUNCH OF GOOD-LOOKING UNIFORMS UP THERE. WHY DON'T WE GET SOME UNIFORMS DOWN HERE WITH US. , AND TRUCKS. COME ON DOWN, GENTLEMEN AND LADIES. HOPE THERE'S NOT A FIRE SOMEWHERE IN TOWN TONIGHT, OTHER THAN HERE. OKAY. IF YOU HAVEN'T GUESSED OUR FIRST PROCLAMATION IS ABOUT OUR AUSTIN FIRE DEPARTMENT BECAUSE SATURDAY, THE 29TH, WE'RE GOING TO BE CELEBRATING THE 150TH ANNIVERSARY OF THE AUSTIN FIRE DEPARTMENT, AND I'LL JUST SAY I'M JOINED BY A BUNCH OF OUR FIREFIGHTERS, CHIEF JJ ADAME. HERE IN A SECOND WE'LL HAVE FROM COUNCIL MEMBER MICHAEL MARTINEZ, RECENTLY RETIRED, AUSTIN FIREFIGHTER, AND I'LL READ THE PROCLAMATION AND WE'LL TALK ABOUT THE FESTIVE FESTIVITIES, THE PARTY WE'LL HAVE SATURDAY. BUT JUST REMIND FOLKS WHAT A FABULOUS, FABULOUS FIRE DEPARTMENT WE HAVE IN THE CITY. SO THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS JOHN BREMIN SENIOR WHO RAN A AMERICA EN TILE BUSINESS AND HAD EXPERIENCE WITH FIRE DEPARTMENTS IN NEW YORK AND PHILADELPHIA IS THE FATHER OF THE AUSTIN FIRE DEPARTMENT, AND WHEREAS MR. BERMAN LED THE FORMATION OF THE FIRST FIRE COMPANY, FIRE COMPANY NO. 1, WHOSE MOTTO WAS ALWAYS READY AND WHO RESPONDED TO ALARMS GIVEN BY CRIES OF FIRE, PISTOL SHOTS AND THE RINGING OF CHURCH BELLS AND WHEREAS IN 1857 AFD WAS A COMPANY OF 150 VOLUNTEERS WITH A SINGLE HAND PULLED TRUCK BASED OUT OF ONE

DOWNTOWN FIRE STATION. NOW AFD HAS ALMOST 1100 UNIFORMED CIVILIAN PERSONNEL, MORE THAN 200 VEHICLES, ONE OF WHICH IS PARKED RIGHT OUTSIDE THE WINDOW HERE, 44 FIRE STATIONS PROTECTING THE SAFETY OF OUR CITIZENS, NOW 280 SQUARE MILES, 745,000 CITIZENS, AND OF COURSE FREQUENTLY OUR FIRE DEPARTMENT OFFERS SERVICES OUTSIDE THE CITY AND EVEN AS FAR AWAY AS NEW YORK SEPTEMBER 11, 2001 AND OTHER DISASTERS AROUND THE COUNTRY. AND SO THEREFORE, I, WILL WYNN, MAYOR OF THE GREAT CITY -- SAFE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM SATURDAY, SEPTEMBER 29, 2007 AS THE AUSTIN FIRE DEPARTMENT'S 150TH ANNIVERSARY HERE IN AUSTIN. PLEASE JOIN ME CONGRATULATING THESE FINE MEN AND WOMEN OF A SPECTACULAR URBAN FIRE DEPARTMENT. [APPLAUSE]

THANKS, MAYOR. I WANTED TO CONGRATULATE MIKE SULLIVAN ON HIS 150TH ANNIVERSARY AS A FIREFIGHTER AS WELL. REALLY, I WANTED TO CONGRATULATE THESE GUYS. IT WAS AN HONOR TO BE A PART OF THE ORGANIZATION AND IT'S EQUALLY AN HONOR TO BE ABLE TO STILL CONTINUE TO SERVE THE CITIZENS ALONGSIDE WITH THESE GUYS AS A COUNCIL MEMBER, BUT THERE ARE A FEW FOLKS THAT REALLY HAVE WORKED HARD, NOT JUST TO PRESERVE THE HISTORY OF THE FIRE SERVICE HERE IN AUSTIN, BUT TO BRING IT BACK, TO BRING IT BACK TO A DAY WHERE WE RECOGNIZE IT ON AN ANNUAL BASIS AND WE UNDERSTAND THE SACRIFICES THAT OUR FOREFATHERS MADE LONG BEFORE WE HAD THE EQUIPMENT, TECHNOLOGY AND THE VEHICLES THAT WE HAVE TODAY. IT'S HARD FOR SOME FOLKS TODAY TO IMAGINE WHAT OUR EARLY FIREFIGHTERS WENT THROUGH AND THE SACRIFICES THAT THEY ACTUALLY DID HAVE TO MAKE IN TERMS OF PUTTING THEIR LIVES ON THE LINE AND IN HARM'S WAY. BUT THEY STILL DO THAT TODAY. TECHNOLOGY HAS IMPROVED. FORTUNATELY WE DON'T HAVE AS HIGH RATE OF INJURIES AND DEATHS AS WE HAD PREVIOUSLY, BUT IT'S STILL A DANGEROUS JOB, AND I STILL THINK THAT WE HAVE THE FINEST FIRE DEPARTMENT IN THE ENTIRE COUNTRY, AND I KNOW THAT THEY ARE PREPARED AND READY TO RESPOND TO ANYTHING THAT MAY HAPPEN IN THIS TOWN, AND WE ARE ALL IN GOOD

HANDS. SO I WANTED TO CONGRATULATE CHIEF ADAME AND THE REST OF THE FIREFIGHTERS ON THEIR BIRTHDAY. HAPPY BIRTHDAY. [APPLAUSE]

THANK YOU. THANK YOU, MAYOR AND COUNCIL MEMBERS, CITY MANAGER. THIS IS A MOMENTOUS OCCASION AND I AM PROUD TO BE MARKING IT AS THE FIRE CHIEF OF THE FINEST DEPARTMENT IN THE COUNTRY, AND A DEPARTMENT WHERE HONOR, COURAGE AND COMMITMENT ARE THE WORDS WE LIVE BY, AND AS YOU SAID, MAYOR, WHEN JOHN BERMAN, SENIOR FOUNDED THIS DEPARTMENT, I DON'T THINK HE ENVISIONED WHAT IT WOULD BE TODAY, HOOK AND LADDER NO. 1 WAS EXACTLY WHAT IT WAS, THEY PULLED IT. THEY PULLED BUCKETS, THEY PULLED HOSES. IF YOU LOOK OUT THE WINDOW THAT'S THE NEWEST FIRE TRUCK THAT WE HAVE IN OUR FLEET. IT WOULD BE GOING TO FIRE STATION NO. 1. SO WE'RE PRETTY PROUD OF THAT. AND ALSO THE TO HELP MARK THIS OCCASION I WANT TO PRESENT EACH OF YOU-ALL WITH A CHALLENGE -- COMEM RA COMMEMORATIVE CHALLENGE COIN MARKING THE 150TH ANNIVERSARY OF OUR DEPARTMENT, AND I HOPE YOU'LL CARRY THIS WITH THE SAME PRIDE WE TOOK IN CREATING IT. JOINING ME TODAY ALSO IS OUR UNION PRESIDENT, OUR ASSOCIATION PRESIDENT, FIRE SPECIALIST STEVEN TRUCE DALE AND FIREFIGHTER JERRY COHEN. YOU MAY NOTICE JERRY IS DRESSED A LITTLE DIFFERENTLY THAN NORMAL, AND JERRY IS NOT ONLY A FIREFIGHTER AT STATION NO. 17 BUT ALSO HE IS A CREATOR AND PRESIDENT FOR THE AUSTIN FIRE MUSEUM. IT'S THROUGH JERRY'S VISION AND DETERMINATION AND OTHER FIREFIGHTERS LIKE HIM THAT WE HAVE A MUSEUM AND THAT WE ARE WHAT WE ARE TODAY, BEING ABLE TO PRESENT THIS HISTORY OF THIS GREAT ORGANIZATION. BUT 150 YEARS HASN'T CHANGED THE PRIDE THAT OUR FIREFIGHTERS TAKE IN WEARING THE AUSTIN FIRE DEPARTMENT UNIFORM, AND AT THIS TIME I'D LIKE JERRY TO COME UP AND SAY A FEW WORDS ABOUT THE MUSEUM. [APPLAUSE] THANKS FOR LETTING ME INDULGE IN A LITTLE BIT OF HISTORY. THIS IS THE AUSTIN FIRE DEPARTMENT -- THEY SAY IT ISN'T JUST THE SAGA OF A CITY DEPARTMENT BUT INSTEAD A RICH ACCOUNT OF -- A RICH ACCOUNT THAT IS PART OF THE HISTORICAL TAPESTRY OF AUSTIN AND ITS CITIZENS. SEPTEMBER 25 MARKS THE

150TH AND VERSE I OF HOOK AND LADDER ONE, WHICH WAS AUSTIN'S FIRST FIRE COMPANY. HE MOVED FROM PHILADELPHIA IN THE 1840S TO START A MERCANTILE AND WHOLESALE GOODS BUSINESS. LIVING IN PENNSYLVANIA HE WAS A MEMBER OF THE LOCAL FIRE DEMENTS. HE WAS ABOUT THE ONLY PERSON IN AUSTIN WHO KNEW ABOUT THE FORMATION, EQUIPMENT AND DRILLING OF A FIRE COMPANY. BY THE LATE 1850S, AUSTIN WAS IN DESPERATE NEED OF ORGANIZED FIRE PROTECTION. WITH HIS EXPERIENCE BERMAN WAS A NATURAL CHOICE TO LEAD THE FIRST FIRE COMPANY. HOOK AND LADDER ONE SAW THE FIRST LIGHT OF DAY ON SEPTEMBER 1957 AND BY 1967 WAS FULLY ORGANIZED WITH AN STIFF MEMBERSHIP. THE FIRST LADDER TRUCK WAS HAND-DRAWN, AND LEATHER FIRE BEKTS. THE COMPANY'S MOTTO WAS ALWAYS READY. YOU'LL SEE THAT THE STORY OF THE AFD CLOSELY MIRRORS THE HISTORY OF THE CITY OF AUSTIN. IN FACT, MANY OF AUSTIN'S MOST NOTABLE FAMILY NAMES ARE SEEN THROUGHOUT THE ROLES OF MEMBERSHIP. NAMES LIKE ZILKER, VON ROSENBERG, SEVERE MON, AND MILLER ARE JUST TO NAME A FEW. IN THE 1840S THE FIRST REPORTS CAN BE FOUND IN THE STATES MAN OF PUBLIC POLICE FOR ORGANIZATION OF A FIRE COMPANY FOLLOWING CATASTROPHIC FIRES. IT WASN'T UNTIL 1957 THAT JOHN BERMAN LED THE ORGANIZATION OF HOOK AND LADDER ONE. THE CIVIL WAR DELAYED THE ORGANIZATION OF AUSTIN'S FIRST ENGINE COMPANY UNTIL TEN YEARS LATER WHEN WASHINGTON FIRE COMPANY NO. 1 WAS ESTABLISHED IN 1868. THEIR 1885 FIRE HOUSE STILL STANDS AT 605 BRAZOS STREET ACROSS FROM THE DRISCOLL HOTEL. SPEAKING OF THE CIVIL WAR ALMOST 100 HOOK AND LADDER TRUCKS SIGNED UP TO FIGHT IN THE WAR BETWEEN THE STATES. ABOUT 25% FOR THE FOR THE UNION WHILE THE REMAINING THREE QUARTERS FOUGHT FOR THE CON FEDERAL EASY. THAT WAS DUE TO THE GERMAN POPULATION IN AUSTIN SYMPATHETIC TO THE CAUSE. AUSTIN WAS ONE OF THE COUNTIES THAT VOTED AGAINST SECESSION. AUSTIN HAS A LOT OF RED AND BLUE MIXED IN. IN 1870S THE AUSTIN FIRE COMPANY PURCHASED THE FIRST STEAM POWERED FIRE ENGINE. THAT WAS A BIG DEAL. IN 1868, DEATS BECAME THE FIRST FRYER TO DIE IN THE LINE OF DUTY. AN ARSONIST BURNED DOWN NO. 3 FIRE HOUSE

LOCATED AT 16TH AND LAVACA. ON NOVEMBER 9, 1881, OCCURRED A FIRE THAT'S ARGUABLY AUSTIN'S MOST DEVASTATING FIRE, THE BURNING OF THE OF THE OLD CAPITAL BUILDING ON THE SAME GROUNDS WE HAVE IT TODAY. WHAT HAPPENED WAS THERE WAS A STATE EMPLOYEE WHO IT WAS COLD, IT WAS NOVEMBER OF 1881, AND ORDERED A NEW WOOD BURNING STOVE. THEY HOOKED IT UP TO ANEW AND DIDN'T CHECK TO SEE IF IT WAS OPERATIONAL AND LIT THE STOVE AND CAUGHT CAUSED A SMALL FIRE ON THE CAPITAL. UNFORTUNATELY THE FIRE DEPARTMENT FOR SEVERAL YEARS BEFORE PLEADED FOR FIRE DEPARTMENTS TO -- OR FIRE HYDRANTS TO BE PUT ON GROUND AT THE CAPITAL. WELL, THE CLOSEST FIRE HYDRANT WAS AT 11TH AND CONGRESS SO THEY HAD TO LAY 750 FEET OF SMALL HOSE SO BY THE TIME THEY GOT TO THE FIRE IT WAS TOO BIG AND WE LOST THE WHOLE BUILDING. PRICELESS ARTIFACTS, INDIAN ARTIFACTS AND EVEN A HANDRAIL THAT WAS CONSTRUCTED AROUND A MONUMENT FROM THE ALAMO. I'VE CALLED THE ALAMO AND THE TEXAS CAPITAL AND IT'S MENTIONED THAT THAT HANDRAIL WAS SAVED IN THE FIRE AND NEITHER THE CAPITAL NOR THE ALAMO KNOW ANYTHING ABOUT IT. MY GUESS IS IT'S IN TARRYTOWN SOMEWHERE IN SOMEONE'S BACKYARD. [LAUGHTER] IN 1886 THE AUSTIN FIRE DEPARTMENT ESTABLISHED A TELEPHONE REPORTING SYSTEM. WHEN THE REPORTED FIRE CAME IN THE ALARM WAS SENT TO THE OLD CENTRAL FIRE STATION UP THE STREET AT 8TH AND COLORADO AND THEN CENTRAL PRESSED A BUTTON THAT NOTIFIED ALL THE OTHER FIRE STATIONS, WHICH WARD THE FIRE WAS IN BUT THE NUMBER OF RINGS. FIVE RINGS, FIFTH WARD. IN 189 THE BUILDING THAT SERVED AS A TEMPORARY CAPITAL BUILDING BURNED AND MANY FIREFIGHTERS WERE SERIOUSLY INJURED AND IT WAS ONLY DUE TO LUCK THAT NONE OF THEM DIED. IT'S STILL A VACANT LOT TODAY AND IT'S AT THE SOUTHEAST CORNER OF 11TH AND CONGRESS. IN 1905 WEST AUSTIN FIRE COMPANY NO. 7 WAS ORGANIZED, AND THE STATION WAS BUILT AT 1,000 BLANCO STREET. IT WAS RENAMED FIRE STATION 4 IN THE EARLY 1920S AND THE ONLY FIRE STATION TODAY THAT DATES BACK TO THE ERA OF HORSE DRAWN FIRE TRUCKS. ON THE CONCRETE FLOOR TODAY YOU CAN SEE A BUNCH OF POT MARKS AND SCORING ON THE FLOOR.

THIS WAS DONE TO ENSURE THAT THE HORSES WOULDN'T SLIP AS THEY LEFT THE STATION. ON SEPTEMBER 25, 1907, A HUNDRED YEARS AGO, THE AUSTIN FIRE DEPARTMENT CELEBRATED THE 50TH ANNIVERSARY OF HOOK AND LADDER ONE IN THE FIRE DEPARTMENT BY SHUTTING DOWN CONGRESS AVENUE, TURNING OFF ALL THE LIGHTS AND PROCEEDING WITH A TORCH LIGHT PARADE. ALL THE VOLUNTEER FIREFIGHTERS HELD TORCH LIGHTS. IN 1912 THE FIRST MOTORIZED FIRE ENGINE WAS PURCHASED FOR THE FIRE DEPARTMENT. STATIONED IN THE FAR NORTH SUBURB OF HYDE PARK. AT COMPANY NO. 6, AT THE FIRE STATION AT 3002 GUADALUPE, WHICH IS THE SAME BUILDING WHERE BALLET AUSTIN RESIDES TODAY. THAT WAS NORTH AUSTIN NO. 6. IN 1915 FIREFIGHTER THOMAS QUINN WAS SWEEPED INTO SHOAL CREEK AND DROWN IMMEDIATELY AFTER HE SUCCESSFULLY RESCUED TWO BOYS. IN JUNE 1916 THE CITIZENS OF AUSTIN VOTED TO ESTABLISH A PAID PROFESSIONAL FIRE DEPARTMENT. CLARENCE WOOD WARD WAS APPOINTED THE FIRST FIRE CHIEF. OVERNIGHT WE EVENT TO 8 FIRE STATIONS AND 27 TOTAL FIREFIGHTERS FOR THE WHOLE CITY. TODAY WE HAVE 44 TOTAL FIRE STATIONS AND OVER 1,000 FIREFIGHTERS BUT WE DON'T HAVE A FIRE STATION 13. ANY GUESSES WHY? BAD LUCK, RIGHT? WELL, ACTUALLY IN A FIRE IN JULY OF 1916, A MONTH AFTER WE BECAME A PAID FIRE DEPARTMENT, FIREFIGHTER JAMES T. GLASS WAS FATALLY INJURED AT A FIRE IN THE CHRYSLER BUILDING. IT STANDS NOW ACROSS FROM THE FROST BANK TOWER. HE WORE BADGE NO. 13 SO THE DEPARTMENT RETIRED HIS NUMBER FOREVER. IN 1926 OUR FIRST CHIEF, CLARENCE WOOD AWARD, HAD A STROKE WHILE HELPING TO FIGHT A FIRE AT 2100 PEARL STREET. WITH ONLY 21 FIREFIGHTERS, THIS WAS AN ERROR WHEN THE ACHIEVE FOUGHT WITH HIS FIREFIGHTERS. HE DIED WITHIN A WEEK --

DO THAT NOW?

THEREFORE OUR FIRST FIRE CHIEF ACTUALLY DIED IN THE LINE OF DUTY. IN 1931 THE TOWER DOWN THE STREET WAS BUILT AT COLORADO AND CESAR CHAVEZ STREET. IN 1938 OUR CURRENT CENTRAL FIRE STATION NO. 1 WAS BUILT AT 5TH AND TRINITY. REPLACED THE OLD ONE AT 114 WEST 8TH STREET. IN THE 1940S OVER 20 AUSTIN FIREFIGHTERS

ULTIMATELY JOINED THE VARIOUS BRANCHES OF THE U.S. MILITARY DURING WORLD WAR II. FOUR OF THOSE GUYS WERE KILLED IN ACTION AND NEVER MADE IT HOME. THEIR FELLOW FIREFIGHTERS PLANTED TREES AND SET PLAQUES IN FIRE STATIONS, STATION 1, 6, 7 AND STATION 10 ALL HAVE THESE PLAQUES. EASTERLY AT STATION ONE AND CLARENCE AT STATION 7, NEITHER BURIED ON U.S. SOIL. ONE IS BURIED IN SOUTH AFRICA AND SOME AWL WAS REPORTED LOST AT SEA. THAT WAS HIS ONLY PLAQUE AFTER SERVING HIS COUNTRY ON FOREIGN SOIL. IN 1952 AUSTIN WAS THE FIRES DEPARTMENT TO HIGHER PROFESSIONAL AFRICAN-AMERICAN FIREFIGHTERS. THREE MEN. IN 1870S AND 1880 WE HAD SEVERAL PLAQUE FIREFIGHTERS IN THE DEPARTMENT BUT THE PROLIFERATION OF SEGREGATION IN THE LATE 19TH CENTURY RESULTED -- WE WERE THE FIRST DEPARTMENT IN THE STATE OF TEXAS TO DO THAT. IN 1963, JOE VILLAREAL BECAME THE FIRST HISPANIC FIREFIGHTER. IN 1972 TRUCK 19, CAPTAIN JAMES BUFORD DIED IN A FLOOD AND THE OLD TRAINING TOWER WAS NAMED IN HIS HONOR. 1973 ERNIE SIMMONS DIED RIGHT WHERE THE MUSEUM IS TODAY, 20 YEAR LIEUTENANT DIED IN THAT SAME ROOM. 1976, LAST YEAR WE MARKED THE 30TH ANNIVERSARY OF LUCINDA HUFF, AUSTIN'S FIRST FEMALE FIREFIGHTER. IN 1983 OUR CURRENT CAPITAL HAD A REALLY DEVASTATING FIRE WHICH RESULTED IN A CIVILIAN FATALITY. SO EVERY SINGLE CAPITAL BUILDING WE'VE HAD HAS HAD A DEVASTATING FIRE IN IT. AND THEN IN THE YEAR 2000 FIREFIGHTER ACCIDENTALLY RECEIVED THE ONLY NATIONAL AWARD FOR HEROISM AND BRAVERY WHEN HE RISKED HIS LIFE AND DOVE INTO A ROOM TO RESCUE A FELLOW FIGHTER FIREFIGHTER. I KNOW I MISSED A LOT BUT WE ONLY HAVE SO MUCH TIME. BUT THANK YOU FOR ALLOWING ME TO AT LEAST INDULGE IN A FEW HIGHLIGHT OF THE PAST 150 YEARS. [APPLAUSE]

THANK YOU, JERRY. ON BEHALF OF THE ENTIRE AUSTIN FIRE DEPARTMENT I WANT TO THANK THE CITIZENS OF AUSTIN FOR ALLOWING US TO SERVE YOU. PLEASE JOIN US IN A FEW MOMENTS WE'RE GOING TO HAVE A SMALL RECEPTION IN THE BOARDS AND COMMISSION ROOM ACROSS THE HALL, AND ALSO THIS SATURDAY I HOPE THAT EVERYBODY WILL

COME TO OUR 150TH CELEBRATION, THIS SATURDAY AT FIRE STATION NO. 1 FROM 10:00 TO 2:00. AND HERE IS TO ANOTHER 150 YEARS. THANK YOU, MAYOR. [APPLAUSE]

WELL DONE.

MAYOR WYNN: SEE YOU-ALL SATURDAY.

MAYOR WYNN: OUR NEXT PROCLAMATION, WE'RE ALSO CELEBRATING AN ANNIVERSARY. THIS IS THE 8TH ANNIVERSARY OF NEWS 8 HERE IN AUSTIN, A FABULOUS ADDITION TO THE SCENE, SEEMS LIKE FOREVER, BUT ONLY EIGHT YEARS AGO, AND I THINK NEXT MONTH WE'LL START TO SEE SORT OF THE 8 STORIES OVER THE LAST EIGHT YEARS. I'VE BEEN INTERVIEWED FOR STUFF, PAINFULLY SO AT TIMES. SO I HAVE A PROCLAMATION THAT I'LL READ ABOUT NEWS 8 AND THEIR EIGHTH ANNIVERSARY AND THEN WE'LL HEAR FROM MANAGER BRIAN BENSCHOTER ABOUT HOW THEY'RE CELEBRATING INTERNALLY AND HOW HOPEFULLY YOU-ALL AS VIEWERS AT CHANNEL 8 WILL START TO LEARN MORE ABOUT THEIR HISTORY HERE IN TOWN. THE PROCLAMATION READS. FOR THE PAST EIGHT YEARS NEWS 8 HAS BEEN PROVIDING 24-HOUR NEWS, WEATHER AND SPORTS INFORMATION SERVICE TO 380,000 TIME WARNER CABLE CUSTOMERS IN CENTRAL TEXAS. AND WHEREAS THE STAFF AT NEWS 8 DISSEMINATES NEWS AND INFORMATION IN TIMES OF LOCAL AND NATIONAL EMERGENCIES, WHICH IS ESSENTIAL TO PUBLIC SAFETY AND REGULARLY INFORMS CITIZENS OF OPPORTUNITIES TO ENJOY MUSIC, ARTS, THEATER, FOOD, SPORTS, EDUCATION AND COMMUNITY ACTIVITIES. AND WHEREAS WE'RE PLEASED TO CONGRATULATE NEWS 8 ON THE EIGHT GREAT YEARS OF SERVICE TO OUR CITIZENS, BOTH THROUGH THEIR BROADCASTS AND THROUGH THEIR SUPPORT OF CHARITABLE EVENTS AND ORGANIZATIONS. SO THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM SEPTEMBER, 2007 AS NEWS 8, EIGHTH ANNIVERSARY MONTH AND ASK BRIAN TO TELL US ABOUT ALL THE FESTIVITIES AND PLEASE JOIN ME IN CONGRATULATING A GREAT CORPORATE CITIZEN AND SERVICE TO OUR COMMUNITY. BRIAN? [APPLAUSE]

THANK YOU. IT REALLY DOES SEEM LIKE EIGHT YEARS FLEW

BY VERY QUICKLY, BUT THEN WHEN I COMPARE IT TO 150 YEARS OF THE FIRE DEPARTMENT IT DOESN'T SEEM THAT LONG AT ALL. BUT I THINK THE SAME SENSE OF PUBLIC SERVICE IS VERY MUCH WHAT DRIVES US. I WOULD VERY MUCH LIKE TO SHARE THE ACKNOWLEDGEMENT FROM THE MAYOR AND THE COUNCIL WITH THE MEN AND WOMEN AT NEWS 8 WHO I HAVE INVESTED -- WHO HAVE INVESTED A LOT, BOTH THEIR HEART AND MINDS INTO THE PROCESS OF DOING WHAT WE STILL CONSIDER TO BE KIND OF A LIVING, BREATHING EXPERIMENT IN COMMUNITY JOURNALISM. AND I THINK THE OTHER THING THAT WE NEED TO ACKNOWLEDGE IS THAT OUR PRODUCT EDITORIALY IS VERY MUCH DRIVEN BY A LOT OF COMMUNITY PARTICIPATION, THAT STARTS WITH COMMUNITY LEADERS. IT CERTAINLY EXTENDS TO THE NEWS MAKERS, AND I THINK MORE SO AT OUR NEWS ROOM THAN MOST, WE HAVE A LOT OF PARTICIPATION FROM THE CITIZENS OF CENTRAL TEXAS. THEY BRING US A LOT OF GREAT -- EXCUSE ME -- STORY IDEAS, BUT THEY ALSO BRING US A LOT OF ACCOUNTABILITY, WHICH I THINK IS GOOD FOR THE JOURNALISTIC PROCESS, AND THAT INTERACTIVITY IS SORT OF WHAT KEEPS US ALIVE AND KEEPS US IN TOUCH WITH THE CITY AND KEEPS US IN TOUCH WITH THE LARGER COMMUNITIES IN CENTRAL TEXAS, AND SO WE'D LIKE TO CELEBRATE THE EIGHT YEARS WITH THE PEOPLE WHO MAKE IT POSSIBLE. THE ONE THING THAT WE DO HAVE COMING UP IS OVER THE NEXT THREE MONTHS WE'RE GOING TO LOOK BACK AT EIGHT GREAT COMMUNITY STORIES, EIGHT GREAT CHANGES IN OUR COMMUNITY, SPORTS STORIES. THAT'S A BIG PART OF WHAT WE DO AS WELL. AND I WOULD LIKE TO ALSO INTRODUCE BERTON, ALTHOUGH I DON'T THINK I NEED TO INTRODUCE HIM NECESSARILY BECAUSE IF YOU'VE EVER BEEN WAKED UP BY A STORM AT 3:00 A.M. AND TURNED ON THE TV YOU PROBABLY KNOW WHO HE IS BETTER THAN ANYBODY ELSE ON OUR STAFF. BUT I WOULD LIKE HIM TO SPEAK TO SPECIFICALLY KIND OF THE PUBLIC SERVICE AND EMERGENCY COMPONENT THAT WE THINK IS REALLY CRITICAL TO WHAT WE DO EVERY DAY.

IT IS.

WELL, THANK YOU, THANK YOU MAYOR. THANK YOU, BRIAN. WE'RE ABSOLUTELY RIGHT IN OUR WEATHER BUSINESS, I COUNTED UP, WE'VE DONE ABOUT 80,000 WEATHER CASTS,

JUST ME, BEEN THERE FOR ALMOST EIGHT YEARS. IT'S BEEN FANTASTIC, AND REALLY TO THE CITIZENS OF AUSTIN AND REALLY TO THE CITY, THE PARTNERSHIP THAT BRIAN MENTIONED, THE PARTNERSHIP THAT'S A PRIVATE SECTOR/PUBLIC SECTOR PARTNERSHIP IS SOMETHING THAT I THINK IS JUST REALLY, REALLY SHOWING IN OUR COMMUNITY, AND IT'S SAVING LIVES. IN FLASH FLOOD ALLEY, THAT'S BEEN A REALLY BIG PUSH FOR US AND SINCE WE'RE ON EVERY TEN MINUTES IT MAKES IT HARD TO -- BUT WE'LL BE THERE HOPEFULLY MORE THAN ANOTHER EIGHT YEARS AND LOOKING FORWARD TO MORE PARTNERSHIPS FROM WATERSHED PROTECTION, THE CITY COUNCIL ITSELF, OUR LAW ENFORCEMENT AND EMERGENCY MANAGERS, THEY DO SUCH A GREAT JOB AND IT'S SUCH A THRILL TO BE ABLE TO SERVE THE PUBLIC HERE AT TIME WARNER CABLE. WE APPRECIATE IT, MAYOR.

MAYOR WYNN: YOU'RE DOING A GREAT JOB. THANK YOU.

THANK YOU.

MAYOR WYNN: THANK YOU SO MUCH. [APPLAUSE]

MAYOR WYNN: AND FOR MY NEXT PROCLAMATION IT WILL BE REGARDING NATIONAL RECOVERY MONTH. EARLIER TODAY AT THE CITY COUNCIL MEETING WE HEARD FROM OUR FRIEND BILL WIGMORE WITH AUSTIN RECOVERY, SO WE HAD A GOOD REPORT AS TO THE GREAT WORK THAT THEY ARE DOING, AND OF COURSE IF YOU HAVEN'T HEARD, YOU NEED TO HEAR ABOUT EDITH ROYAL'S CAPITAL CAMPAIGN OUT AT AUSTIN RECOVERY TO HELP US PARTNER TO DO SOME VERY ACTION VERY PAR WORK HERE IN THE COMMUNITY. SO WE'RE GOING TO CONTINUE TO HIGHLIGHT OUR RECOVERY AND HERE WITH THIS PROCLAMATION. SO I'LL READ THE PROCLAMATION AND BEVERLY SCARBOROUGH WILL TELL US ABOUT HOW WE CAN HELP RAISE AWARENESS, ABOUT THE NEEDS FOR EXPANDED RECOVERY FACILITIES AND FUNDING HERE IN THIS COMMUNITY AND WHAT YOU CAN DO ABOUT IT. OKAY. SO THE PROCLAMATION READS, 63% OF AMERICANS ARE AFFECTED BY SUBSTANCE ABUSE DISORDERS, AND AUSTIN HAS THE HIGHEST PER CAPITA NUMBER OF ALCOHOL AND SUBSTANCE ABUSERS IN TEXAS, BUT EFFECTIVE HELP IS AVAILABLE, AND WHEREAS WE SALUTE

THE HEALTH CARE PROVIDERS WHO ASSIST THOSE IN RECOVERY AND THEIR FAMILIES, INCLUDING THE MEMBER ORGANIZATIONS OF THE SUBSTANCE ABUSE PLANNING PARTNERSHIP WHO PROVIDE TREATMENT, EDUCATION AND SERVICES TO THOUSANDS AND THOUSANDS IN NEED. AND WHEREAS IN KEEPING WITH THIS MONTH'S THEME, JOIN THE VOICES FOR RECOVERY, HEALING LIVES, FAMILIES AND COMMUNITIES, WE ENCOURAGE CITIZENS TO GUIDE THOSE IN OUR AREA WHO NEED ALCOHOL AND DRUG TREATMENT TOWARDS THE PROMISING PATH OF RECOVERY. SO NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, DO HEREBY PROCLAIM SEPTEMBER 2007 AS NATIONAL RECOVERY MONTH HERE IN AUSTIN AND CALL ON MIST BEVERLY SCARBOROUGH TO TELL US MORE ABOUT HOW WE CAN BE MORE AWARE OF THE NEED AND HOW WE CAN HELP. BEVERLY, THANK YOU FOR BEING HERE.
[APPLAUSE]

THANK YOU, MAYOR. CERTAINLY SUBSTANCE ABUSE DISORDERS ARE A REAL TRAGEDY AND CAUSE A LOT OF TOLL IN HUMAN LIVES, BUT THE GOOD NEWS IS THAT THERE ARE GREAT PROGRAMS IN AUSTIN AND TRAVIS COUNTY. IT'S A GREAT COMMUNITY TO GET CLEAN AND SOBER IN, AND I'M TALKING ABOUT AUSTIN RECOVERY, WHO CAME EARLIER, AUSTIN-TRAVIS COUNTY, MHMR CENTER AND THEIR PROGRAM. THE HACIENDA SOLUTION, SETON SHOAL CREEK, SCENIC HOUSE AND ALL OF THESE ORGANIZATIONS THAT ARE WORKING TOGETHER THROUGH THE SUBSTANCE ABUSE PLANNING PARTNERSHIP. AND THE GOOD NEWS IS THAT RECOVERY DOES WORK. ANYONE CAN ALWAYS CALL 472 HELP IF YOU HAVE A PROBLEM OR KNOW SOMEONE. THERE IS -- THERE IS HELP, AND RECOVERY DOES WORK. THANK YOU.

MAYOR WYNN: THANK YOU, BEVERLY. [APPLAUSE]

MAYOR WYNN: FOR OUR NEXT PROCLAMATION I'LL TURN THE PODIUM OVER TO COUNCIL MEMBER COLE. WE'RE HEAR FROM COUNCIL MEMBERS MCCrackEN AND LEFFINGWELL. COUNCIL MEMBER?

COLE: LAST YEAR WAS MY FIRST BUDGET YEAR, AND I WAS NERVOUS, NERVOUS, NERVOUS. BUT THEN A GROUP OF

PEOPLE CAME TO SEE ME WITH SICKLE CELL ANEMIA, AND I WAS JUST MOVED, NOT ONLY BY THE MANY, MANY STORIES BUT IN PARTICULAR BY ONE LITTLE BOY THAT YOU WILL GET TO MEET TODAY WHOSE NAME IS GABRIEL. AND SOMETIME AFTER WE INCLUDED THEM IN OUR BUDGET PROCESS AND THEY WERE SO GRATEFUL FOR THE MONEY AND I'VE LEARNED NOW FROM COUNCIL MEMBER MCCRACKEN THAT IT WASN'T REALLY THAT MUCH. BUT THEY WERE SO GRATEFUL FOR THE MONEY AND THEY WENT TO THE NATIONAL SICKLE CELL ANEMIA CONFERENCE, AND HE WON AS THE POSTER CHILD, AND I'M VERY PROUD OF THAT ACCOMPLISHMENT. SO I HAVE A COUPLE OF PROCLAMATIONS TO READ. FIRST FOR THE SICKLE CELL DISEASE. BE IT KNOWN THAT WHEREAS SICKLE CELL DISEASE IS AN INHERITED BLOOD DISORDER THAT AFFECTS THE HEMOGLOBIN IN RED BLOOD CELLS WHICH CARRIES OXYGEN THROUGHOUT THE BODY. THE SICKLE CELL SHAPE OF THE CELL CAUSE BLOCKAGE TO DEVELOP AND VITAL ORGANS ARE DAMAGED DUE TO LACK OF OXYGEN. AND WHEREAS APPROXIMATELY 80,000 PEOPLE IN THE U.S. LIVE WITH SICKLE CELL DISEASE, WHICH PRIMARILY AFFECTS THOSE OF AFRICAN ACCIDENT. IT AFFECTS ONE OF EVERY 375 AFRICAN BIRTHS AND WHEREAS IN OCTOBER THE SICKLE CELL DISEASE ASSOCIATION OF AMERICA AND OUR LOCAL MARK THOMAS CHAPTER UNDERTAKE A SPECIAL CAMPAIGN TO RAISE AWARENESS OF THE DISEASE, TO LOBBY FOR INCREASED FUNDING, TO FIND A CURE AND TO PROVIDE SUPPORT FOR THOSE WITH SICKLE CELL DISEASE AND THEIR FAMILIES. [APPLAUSE]

COLE: THIS IS A CERTIFICATE OF CONGRATULATIONS. WE ARE PLEASED TO CONGRATULATE GABRIEL GEORGE FOR HAVING BEEN SELECTED AS THE NATIONAL POSTER CHILD FOR THE SICKLE CELL DISEASE ASSOCIATION OF AMERICA FOR 2007 TO 2009. GABRIEL WILL BE MAKING PUBLIC APPEARANCES AROUND THE COUNTRY ACTING AS AN EM SEAR TO PUBLIC OFFICIALS, INCLUDING THE PRESIDENT OF THE UNITED STATES, SERVING AS A POSITIVE EXAMPLE AND ROLE MODEL TO OTHERS WITH SICKLE CELL DISEASE, AND EDUCATING THE PUBLIC AND GARNERING SUPPORT FOR SICKLE CELL DISEASE ASSOCIATION OF AMERICA. MISSION: WE ARE PLEASED TO HAVE GABRIEL REPRESENTING THE

CITY OF AUSTIN IN HIS WORK AND WE WISH HIM CONTINUED HEALTH AND VITALITY SO THAT HE CAN BE A STRONG VOICE FOR SO MANY WHO SUFFER FROM THE DEVASTATION OF SICKLE CELL DISEASE. THIS CERTIFICATE IS ISSUED WITH OUR CONGRATULATIONS AND BEST WESHS IN HIS NEW ROLE THIS 27 DAY OF SEPTEMBER IN THE YEAR 2007. THE CITY COUNCIL OF AUSTIN AND MAYOR WILL WYNN. THERE YOU GO. [APPLAUSE]

I WOULD LIKE TO THANK THE AUSTIN CITY COUNCIL AND MAYOR WYNN AND SPECIFICALLY THE HONORABLE SHERYL COLE FOR THIS HONOR AND TO THE COMMISSION TODAY. I ACCEPT THIS ON BEHALF OF ALL THE TENS OF THOUSANDS OF PEOPLE, ESPECIALLY THE CHILDREN THAT SUFFER FROM AND ARE AFFECTED BY SICKLE CELL DISEASE. I PRAY THAT GOD CAN USE ME AS THE NATIONAL POSTER CHILD TO REACH THE MASSES, AND TO EDUCATE ALL THE IMPLICATIONS OF SICKLE CELL DISEASE. I TRULY LOOK FORWARD TO THE DAY WHEN SICKLE CELL DISEASE GETS THE SAME RECOGNITION AS SO MANY OTHER DISEASES -- OTHER LIFE-ENDING DISEASES, TO THE WONDERFUL AND GENEROUS AND LOVELY SHERYL COLE ON BEHALF OF THE SICKLE CELL FOUNDATION, AND SO MANY LIVES THAT YOU HAVE TOUCHED. SWAHILI, WE SAY BAKU, FRENCH, MIEWSH AS..... MUCHAS GROOS YAS, THAT'S SPANISH, THANK YOU FOR STEPPING OUT WITH SAFE AND PARTNERING WITH US. WE LOVE YOU AND PRAY GOD'S RICHEST BLESSINGS BE UPON YOU ALWAYS. [APPLAUSE]

THERE ARE A FEW THINGS INSIDE THIS LITTLE BAG WE WANTED TO GIVE YOU. THERE'S A NEWSPAPER ARTICLE WITH ME IN IT. A CALENDAR ABOUT SICKLE CELL DISEASE, THE PROGRAM FOR THE NATIONAL SICKLE CELL DISEASE ASSOCIATION CONVENTION. A PEN FROM SICKLE CELL DISEASE, A T-SHIRT FROM KENYA BECAUSE YOU KNOW WE WENT ON A MISSIONARY TRIP TO KENYA, AND WE GOT THAT SHIRT FOR YOU.

OH, THAT'S SO GREAT. THANK YOU. [APPLAUSE]

.

LEFFINGWELL: WELL, YOU KNOW, I MADE SOME REMARKS

EARLIER TODAY ON ANOTHER SUBJECT ABOUT HOW WE DON'T DO A VERY GOOD JOB IN THIS COUNTRY ON MENTAL HEALTH, AND WE DO AN EVEN WORSE JOB HERE IN THE STATE OF TEXAS, AND AS A MATTER OF FACT, WE DO THE WORST JOB OF ALL HERE IN AUSTIN OF ANY MAJOR CITY IN TEXAS. OF COURSE I REALIZE WE HAVE A NEWLY FORMED HEALTH DISTRICT AND IT HASN'T HAD REALLY ENOUGH TIME TO GET ORGANIZED, BUT WE SERIOUSLY FALL BEHIND OTHER MAJOR CITIES IN TEXAS IN THE PROVISION OF MENTAL HEALTH SERVICES. JUST AS AN EXAMPLE, FORT WORTH, DALLAS, HOUSTON PROVIDE ON-SITE, OR ADJACENT TO THE SITE OF A PRIMARY HOSPITAL, 40 TO 80 PSYCHIATRIC EMERGENCY BEDS. HERE IN AUSTIN WE JUST RECENTLY GOT AROUND TO PROVIDING FOUR, EFFECTIVE OCTOBER 1 WE'RE GOING TO HAVE EIGHT BEDS. SO YOU CAN SEE WE HAVE A VERY LONG WAY TO GO. AND FRANKLY, WHEN THE CITY OF AUSTIN GOES TO THE STATE OF TEXAS AND THEY DO APPROPRIATE MONEY FOR MENTAL HEALTH, WHICH IS DISTRIBUTED AMONG THE VARIOUS CITIES, WE'RE AT A SERIOUS DISADVANTAGE BECAUSE WE WALK IN THE DOOR THERE. FIRST THING THEY WANT TO KNOW IS WHAT ARE YOU DOING IN YOUR COMMUNITY, AND ONCE YOU'RE DOING YOUR PART THEN WE'RE READY TO HELP YOU. SO WE'VE GOT A LONG WAY TO GO, AND I'M GOING TO TRY MY BEST TO HELP YOU GET THERE. SO NAME, OF COURSE,..... NAMI IS YOUR ORGANIZATION, WHICH IS A NATIONAL ORGANIZATION INCLUDING CANADA, PUERTO RICO, 220,000 MEMBERS IN YOUR TOTAL ORGANIZATION NATIONWIDE IN THOSE OTHER TWO LOCALITIES. AND SO YOU'RE KIND OF DOING THE JOB THAT THE GOVERNMENT OUGHT TO BE DOING AND I APPRECIATE WHAT YOU DO, AND I WANT TO MENTION THAT NEXT SATURDAY, OCTOBER 6, YOU'RE HAVING YOUR FUND RAISING EVENT, WHICH IS A WALK, AND IT STARTS AT 9:00 IN THE MORNING, CORRECT? AND I WANT TO ENCOURAGE EVERYBODY TO COME OUT AND PITCH IN AND HELP NAMI RAISE SOME MONEY FOR MENTAL HEALTH AND SO I'M GOING TO READ THIS PROCLAMATION. BE IT KNOWN THAT WHEREAS THE NATIONAL ALLIANCE ON MENTAL HEALTH IS THE LARGEST MENTAL HEALTH ORGANIZATION DEDICATED TO IMPROVING THE LIVES OF PERSONS LIVING WITH SERIOUS MENTAL ILLNESS AND THEIR FAMILIES, AND WHEREAS NAMI WORKS TO DISPEL THE

STIGMA ASSOCIATED WITH MENTAL ILLNESS, AD VIDEO INDICATES WITH GOVERNMENT OFFICIALS TO FUND RESEARCH FOR TREATMENT AND CURES AND CONDUCTS EVENTS TO RAISE FUNDS AND AWARENESS AND WHEREAS NAMI WALKS AS THE SIGNATURE FUND RAISING EVENT, WHICH INVOLVES THOUSANDS OF CONCERNED CITIZENS IN NEARLY 70 NATIONS ACROSS THE COMMUNITY, INCLUDING AUSTIN, WHO WORK FOR.... WALK FOR THE MIND OF AMERICA. NOW, THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM OCTOBER 6, 2007 AS NAMI WALKS DAY. SO CONGRATULATIONS AND KATHERINE WEAVER, WOULD YOU LIKE TO COME UP AND SAY A COUPLE WORDS? HERE, I'LL GIVE YOU THIS.

THANK YOU. THANK YOU, COUNCIL MEMBER LEFFINGWELL. IT'S AN HONOR TO RECEIVE THIS PROCLAMATION AS IT IS AN HONOR FOR US AND NAMI AUSTIN TO REPRESENT A LARGE PORTION OF YOUR CONSTITUENTS, YOURS AND THE REST OF THE COUNCIL MEMBERS. WE'RE A SMALL NONPROFIT OF PAID MEMBERS, BUT EACH OF US IS TOUCHED BY FAMILY MEMBERS WHO HAVE MENTAL ILLNESSES AND ALL OF US IN AUSTIN ARE TOUCHED BY MENTAL ILLNESS IN SOME WAY. NAMI ESTIMATES THAT ONE IN FOUR AMERICANS ARE AFFECTED BY SOME FORM OF MENTAL ILLNESS EVERY SINGLE YEAR. JUST THINK OF IT. ONE IN EVERY FOUR OF YOUR CONSTITUENTS YOU MEET. NOT ONLY THAT, BUT SERIOUS MENTAL ILLNESS AFFECTS MORE AMERICANS EACH YEAR THAN DOES CANCER, DIABETES AND HEART DISEASE. THE BIG ONES YOU WOULD GUESS. THAT'S -- YOU MAY NOT KNOW THAT, BUT THAT'S BECAUSE IT'S A HIDDEN ILLNESS. OFTEN PEOPLE THINK IT'S A CHOICE OR THAT A PERSON IS JUST FAKING IT. THEY DON'T KNOW THAT IT'S A PHYSICAL ILLNESS JUST AS SERIOUS AS CANCER, HEART DISEASE AND DIABETES. AND FURTHER, IT'S TREATABLE, BUT IT'S NOT NECESSARY FOR PEOPLE TO BE AFFECTED BY MENTAL ILLNESS IN WAYS THAT YOU ARE DEALING WITH AN ISSUE OF PANHANDLERS HERE IN AUSTIN. WE ALL KNOW THERE ARE HOMELESS FOLKS WHO ARE UNDER THE BRIDGES AND IN THE PARKS. YOU KNOW THAT THE EMERGENCY ROOM CALLS ARE HIGH WHEN FAMILIES CALL THE POLICE AND CAN'T DEAL WITH THEIR FAMILY MEMBERS. NAMI AUSTIN WORKS YEAR-ROUND TO REDUCE IGNORANCE

AND STIGMA. WE PROVIDE EDUCATION, SUPPORT AND ADVOCACY FOR THE INDIVIDUALS AND THEIR FAMILIES WHO ARE AFFECTED BY MENTAL ILLNESS, BUT WE HAVEN'T REACHED MANY OF THOSE FAMILIES, AND THAT'S WHAT NAMI WALKS IS ALL ABOUT. IT'S TO RAISE AWARENESS OF THE ISSUE, OF HOW WIDESPREAD IT IS, OF THE FACT THAT AUSTIN IS NUMBER ONE IN ONE WAY, AND THAT IS IN THE NUMBER -- PERCENTAGE PER CAPITA OF SIEDZ SUICIDES, HIGHER THAN ANY OF THE OTHER MAJOR METROPOLITAN AREAS IN THIS STATE. SO WE'RE WORKING VERY HARD TO PUT ON A GREAT EVENT, SATURDAY, OCTOBER 6. WE'RE GOING TO START WITH CHECKING IN AT 9:30 A.M., AND THE WALK STARTS AT 10:30. WE INVITE ALL OF THE MEMBERS OF THE COUNCIL AND THE MAYOR TO COME AND JOIN US, AND I'D LIKE TO INTRODUCE MARGIE GARDNER WHO'S WITH ME TODAY. SHE'S THE PERSON PUTTING THIS EVENT TOGETHER. WE WELCOME EACH AND EVERY ONE OF YOU TO COME AND WALK FOR THE MIND OF AMERICA. RAISE AWARENESS AND ABILITY TO TALK ABOUT WHAT MENTAL ILLNESS MEANS TO YOU AND YOUR FAMILY. THANK YOU VERY MUCH.

WE HAVE THAT CIRCLE UP HERE. AS A LOT OF YOU-ALL KNOW LAST YEAR, AUSTIN TEXAS BECAME THE FIRST CITY IN THE HISTORY OF THE STATE OF TEXAS TO HOLD AN ELECTION ON THE ISSUE OF CIVIL RIGHTS FOR GAY AND LESBIAN, BISEXUAL AND TRANSGENDER TEXANS AND IT WON, AND A LOT OF CREDIT GOES TO ALL THE FOLKS WITH [INDISCERNIBLE] CIRCLE. A LOT OF CREDIT GOES TO THE GAY AND TRANS SEXUAL AND BIJEPDER COMMUNITY, BUT THE FIGHT FOR EQUALITY IS NOT OVER AND SO WE HAVE PEOPLE COMING UP, AND SO MARTY, I THINK YOU'RE GOING TO TELL US ABOUT IT.

THANK YOU, COUNCIL MEMBER, MCCRACKEN. THANK YOU TO THE CITY COUNCIL FOR GIVING US THIS PROCLAMATION. 7TH STREET NIGHTS EQUAL RIGHTS IS OUR FIRST NATIONAL EVENT THAT WILL BE HELD IN 30 CITIES AROUND THE COUNTRY AND AUSTIN WILL BE HAVING A GREAT BIG HUGE EVENT HERE AT THE STATE CAPITAL, OCTOBER 10. THEY WILL BEGIN AT 6:00 P.M. AND WILL GO ALL NIGHT LONG, AND THAT'S WHAT THE 7TH STRAIGHT NIGHTS FOR EQUAL RIGHTS IS DOING, IS HAVING STRAIGHT PEOPLE STANDING

UP FOR GAY AND LESBIAN EQUAL RIGHTS ALL ACROSS THE COUNTRY LEADING THESE ALL OVERNIGHT VIGILS FOR 7 NIGHTS IN A ROW. AND WE HOPE THAT THE CITY WILL COME AND JOIN US. I KNOW THAT SEVERAL COUNCIL MEMBERS WILL BE WITH US THAT NIGHT AND IN THE MORNING TO GREET US WHEN WE WAKE UP -- OR I GUESS WE WON'T BE SLEEPING. WHEN THEY WAKE UP. BUT THANK YOU VERY MUCH.

MCCRACKEN: I'LL READ THE PROCLAMATION REAL QUICK, BE IT KNOWN THAT WHEREAS 7 STRAIGHT NIGHTS FOR EQUAL RIGHTS IS A NATIONAL EVENT TAKING PLACE IN ALMOST 30 MAJOR CITIES ACROSS THE NATION TO PROVIDE STRAIGHT AMERICANS WITH THE OPPORTUNITIES TO DO JUSTICE AND MOTIVATE NEW ALLIES TO STAND UP AND BE COUNTED FOR EQUAL RIGHTS AND WHEREAS ADEQUATE CIRCLE AND SOLELY FORCE ARE COORDINATING THE EVENT ON OCTOBER 10 AND 11 AT AUSTIN STATE CAPITAL WHERE CITIZENS WERE SHOW THEIR SOLIDARITY AND SUPPORT FOR LGBT PEOPLE AND ACROSS THE COUNTRY SIMILAR VIGILS ARE EXPECTED FOR HETEROSEXUAL MEN AND WOMEN WITH THE CONVICTION TO STAND UP FOR GAY AND LESBIAN FRIENDS AND NEIGHBORS. WE HEREBY PROCLAIM OCTOBER 7 TO 13 AS 7 STRAIGHT NIGHTS FOR EQUAL RIGHT. THANK YOU ALL SO MUCH. RESIDENCE RESIDENCES RESIDENCES BLANK.

MAYOR WYNN: THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN ON BREAK FOR AN HOUR OR MORE. I PAL JIES. WE'LL BE SHORT A COUPLE COUNCIL VOTES HERE FOR A LITTLE WHILE. MAYOR PRO TEM DUNKERLEYER LE IS OUT THIS WEEK. COUNCIL MEMBER MARTINEZ IS OCCUPIED UPSTAIRS, AND COUNCIL MEMBER KIM IS COMING BACK FROM A SPEAKING ENGAGEMENT AS WE SPEAK, BUT WITH FOUR WE CAN GET STARTED. COUNCIL, BEFORE WE FORGET, IN CLOSED SESSION WE OF COURSE HAD A LENGTHY LEGAL DISCUSSION REGARDING A POTENTIAL PROPOSED WATER SUPPLY AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE LCRA. ITEM NO. 63 ON TODAY'S AGENDA IS SIMPLY SETTING THE PUBLIC HEARING TO RECEIVE PUBLIC COMMENT, AND SO UNLESS WE HAVE ANY QUESTIONS OR COMMENTS ABOUT THAT, I

WOULD ENTERTAIN THAT MOTION. MOTION BY COUNCIL MEMBER MCCrackEN, SECONDED BY COAL, TO APPROVE THAT NO. 63, SETTING A PUBLIC HEARING. ALL IN FAVOR SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 4-0 WITH THE MAYOR PRO TEM AND COUNCIL MEMBERS KIM AND MARTINEZ OFF THE DAIS. SO PATIENCE IS A VIRTUE. TAKES US TO OUR 4:00 ZONING CASES. WELCOME, MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS GREG GUERNSEY ACTION DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING. WALK YOU THROUGH OUR CONSENT AGENDA. THERE'S ONLY FOUR COUNCIL MEMBERS AND MAYOR ON THE DAIS. WE WOULD BE ABLE ONLY TO DO FIRST READING ON SOME OF THESE ITEMS SO --

POSTPONEMENTS, CORRECT?

PARDON?

MAYOR WYNN: WE COULD POSTPONE.

WE COULD DO ALL THE POSTPONEMENTS AND DO DISCUSSION OF POSTPONEMENTS. THOSE THAT ARE CONSENT FOR FIRST READING ONLY, WE CAN DO THOSE AND WE CAN COME BACK WHEN THE OTHER COUNCIL MEMBER JOINS US FOR THE CONSENT FOR THREE READING ITEMS.

MAYOR WYNN: FAIR ENOUGH.

SO LET ME BEGIN WITH ITEM NO. 82. NO. 82 IS CASE C14-04-0030, TIME INSURANCE, NO. 1 AT 1405 AND 1415 EAST RIVERSIDE DRIVE. WE HAVE AN APPLICANT POSTPONEMENT TO NOVEMBER 8. THE NEIGHBORHOOD AGREES TO THAT DATE. ITEM NO. 83 IS A RELATED ITEM, CASE C14-06-0117, TIME INSURANCE 2, AT 1317 EAST RIVERSIDE DRIVE AND 1220 IH-35 SOUTH. WE HAVE AN APPLICANT POSTPONEMENT AGAIN TO NOVEMBER 8. I UNDERSTAND THE

NEIGHBORHOOD AGREES. ON ITEM NO. 84 IS CASE C14-2007-0006. THIS IS A UNIVERSITY HILLS PLAN COMBINING DISTRICT TRACT 210, AND WE HAVE A NEIGHBORHOOD REQUEST TO POSTPONE THIS ITEM TO OCTOBER 11. A RELATED ITEM TO THAT, NO. 85, NPA-2007-023, UNIVERSITY HILLS TRACT 210. THIS IS AN AMENDMENT TO THE AUSTIN SMALL CONFERENCE. WE HAVE A NEIGHBORHOOD REQUEST FOR POSTPONEMENT TO OCTOBER 11. THAT CONCLUDES THE NONPUBLIC HEARING PORTION, AND YOU CAN TAKE ACTION ON THOSE POSTPONEMENTS.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. SO COUNCIL, OUR CONSENT AGENDA FOR THESE CASES WHERE WE'VE ALREADY CONDUCTED THE PUBLIC HEARINGS WILL BE TO POSTPONE ITEMS NO. 82 AND 83 TO NOVEMBER 8, 2007, AND TO POSTPONE ITEMS 84 AND 85 TO OCTOBER 11, 2007. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCIL MEMBER MCCracken, SECONDED BY COUNCIL MEMBER COLE, TO APPROVE THE CONSENT AGENDA AS PROPOSED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 4-0, AGAIN WITH MAYOR PRO TEM AND COUNCIL MEMBERS MARTINEZ AND KIM OFF THE DAIS.

THANK YOU, MAYOR AND COUNCIL. LET ME CONTINUE ON TO THE 4:00. THESE ARE PUBLIC HEARINGS AND POSSIBLE ACTION ON ZONING NEIGHBORHOOD PLAN AMENDMENT ITEMS. I'LL NOTE THAT I WILL BE SKIPPING THOSE THAT ARE READY FOR CONSENT APPROVAL ON ALL THREE READINGS UNTIL ONE COUNCIL MEMBER -- ADDITIONAL COUNCIL MEMBER COMES DOWNSTAIRS. SO ITEM NO. 86 WE'LL SKIP. ITEM NO. 87 IS CASE C14-2007-0016, STONEY RIDGE PHASE D. THIS IS FOR THE PROPERTY LOCATED AT ELROY ROAD AND KELLAM ROAD. WE HAVE A NEIGHBORHOOD POSTPONEMENT REQUEST. ORIGINALLY IT WAS TO OCTOBER 18. BUT I UNDERSTAND THAT NEIGHBORHOOD AND THE APPLICANT HAVE AGREED JOINTLY TO A NOVEMBER 8 POSTPONEMENT DATE AND THAT'S NO. 87 RCHLT NOVEMBER 8. ITEM 88 IS CASE C14-2007-0098 AT 9011 BROWN LANE. THIS IS A ZONING

REQUEST FOR FROM FAMILY MEMBERS, LIMITED INDUSTRIAL SERVICE OR LI DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDS IS TO GRANT LIMITED INDUSTRIAL SERVICE OVERLAY, LICO WITH CONDITIONS AND THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NO. 89, I'M GOING TO SKIP BECAUSE IT'S READY FOR CONSENT APPROVAL ON THREE READINGS AS WELL AS NO. 90. ITEM NO. 91 IS CASE C14-2007-0108, THIS IS THE PROPERTY LOCATED AT 5,000 -- OR 50300 -- 5,304 AND NORTH LAMAR BOULEVARD. THIS IS A REZONING REQUEST FROM GENERALLY COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY OR CS-MU-CO-NP COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES MIXED USE NEIGHBORHOOD PLAN OR CS-MU-CO-NP COMBINING DISTRICT ZONING TO PERMIT VERTICAL MIXED USE ON THE SITE. IT WAS RECOMMENDED -- EXCUSE ME, THIS IS POSTPONED BY THE COMMISSION TILL OCTOBER 23, 2007, AND THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS ITEM TO NOVEMBER 8. THIS IS THEIR FIRST REQUEST. SO IT'S A CONSENT POSTPONEMENT TO NOVEMBER 8. ITEM NO. 92 WE'LL DEFER FOR A COUPLE MOMENTS BECAUSE IT'S READY FOR CONSENT APPROVAL ON THREE READINGS, AS WELL AS 93, AND 94 NO. 95, CASE C14 H-07-0012 AT 612 WEST MONROE STREET. STAFF REQUESTED THIS ITEM BE PULLED OFF YOUR AGENDA. IT WILL BE RENOTIFIED AND BROUGHT BACK ON YOUR AGENDA PROBABLY SOMETIME IN OCTOBER. SO THERE'S NO ACTION TO BE TAKEN ON ITEM NO. 95. ITEM NO. 96 IS READY FOR CONSENT APPROVAL ON THREE READINGS SO I'LL SKIP THAT ITEM. THAT TAKES US TO ITEM NO. 97. THIS IS CASE C14-05-0124, LOCATED AT 12317 DESSAU ROAD. WE HAVE A POSTPONEMENT REQUEST BY THE APPLICANT TO OCTOBER 11 ON THAT ITEM. THAT'S ITEM NO. 97 TO OCTOBER 11. ITEM NO. 98 IS CASE C14-07-..... C14-07-0005. THIS IS FOR THE PROPERTY LOCATED AT SOUTHWEST CORNER OF THAXTON ROAD AND PANADERO DRIVE. THIS IS A ZONING FROM INTIRM SINGLE-FAMILY SF-2 AND FAMILY SF-3 TO COMMUNITY OR GR ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT COMMUNITY CONDITIONAL OVERLAY OR GR-CO COMBINING DISTRICT ZONING WITH CONDITIONS. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NO. 99, CASE C14-

2007-0049 AT 6004 WEBBER VILLE ROAD IS A DISCUSSION ITEM. I BELIEVE WE HAVE AT LEAST 12 PEOPLE THAT HAVE SIGNED UP WITH REGARDS TO THIS ITEM. SO IT'S A DISCUSSION ITEM. ITEM NO. 100 IS CASE C14-2007-0067 AT 3608 AND 3706 CLAWSON ROAD. WE HAVE AN APPLICANT REQUESTED POSTPONEMENT OF THIS ITEM TO OCTOBER 11. THE NEIGHBORHOOD WOULD AGREE WITH A POSTPONEMENT SO THIS CAN BE OFFERED AS A CONSENT POSTPONEMENT ON ITEM NO. 100 TO OCTOBER 11. ITEM NO. 101. THIS IS CASE C14-2007-0084. THIS WAS A PROPERTY LOCATED AT 3215 EXPOSITION BOULEVARD. WE HAVE A REQUEST BY THE NEIGHBORHOOD TO POSTPONE TO DECEMBER 13 THE APPLICANT DISAGREES WITH THE LENGTH OF TIME FOR THE POSTPONEMENT AND THEY WOULD REQUEST OCTOBER 11. SO THIS IS A DISCUSSION POSTPONEMENT. WE COULD -- YOU COULD HEAR THESE PEOPLE NOW OR YOU COULD HEAR THEM AFTER WE GO THROUGH THE REST OF THE CONSENT ITEMS. I BELIEVE THERE'S ONE PERSON FROM EACH SIDE.

MAYOR WYNN: WHY DON'T WE GO THROUGH THE CONSENT ITEMS FIRST AND WE'LL COME BACK AND TAKE THAT UP AS A DISCUSSION.

VERY GOOD. ITEM NO. 102, IS CASE C14-2007-0099, FOR THE PROPERTY LOCATED AT 801 WEST BRAKER LANE. THIS IS A DISCUSSION ITEM, I BELIEVE THE APPLICANT AND ONE NEIGHBORHOOD REPRESENT OPPOSED TO THAT REQUEST, SO THAT'S A DISCUSSION ITEM. ITEM NO. 103 IS CASE C14 H-06-0044, THIS IS THE PAYNE HOUSE AT 2104 PEARL STREET. REZONING REQUEST FOR MULTIFAMILY, HIGH DENSITY MAIBD PLAN MF 4 TO MULTIFAMILY, MODERATE HIGH DENSITY HIS TORKS COMBINING DISTRICT ZONING. IT WAS RECOMMENDED BY THE PLANNING COMMISSION TO GRANT THE MF 4 H-NP ZONING. IF YOU RECALL, THIS WAS AN ITEM THAT CAME BEFORE YOU. THE APPLICANT WAS LOOKING FOR A PLACE TO RELOCATE THE HOUSE. THEY HAVE FOUND A LOCATION AND HAVE GIVEN THE COUNCIL A LETTER STATING THAT THE HOUSE WOULD BE MOVED TO THE DRIFTWOOD AREA AND RESTORED. I JUST WANT TO LET YOU KNOW THAT ALTHOUGH IT'S BEEN RECOMMENDED BY THE COMMISSIONS AND BY STAFF, THE OWNER HAS A VALID PETITION, WOULD LIKE TO MOVE THE HOUSE AND STATED

THEIR INTENTION TO RELOCATE IT. AND SO THEY WOULD ASK THAT YOU DENY THE REQUEST. SO YOU COULD EITHER TAKE THIS ON A CONSENT TO DENY OR WHATEVER YOUR PLEASURE IS ON THIS PARTICULAR ITEM. AGAIN, THIS IS THE PAYNE HOUSE AT 2104 PEARL STREET. IT WOULD TAKE AT LEAST SIX VOTES TO OVERRIDE THE PETITION, BECAUSE THE PETITION IS OPPOSED TO HISTORIC ZONING.

MAYOR WYNN: RIGHT.

ITEM 104, AND 105 IS CASE C14-84-361 RCT SMART MAIL AND RELATED TO ZONING CASE, 2200 TILL RI STREET. I BELIEVE THE APPLICANT HERE IS TO SPEAK IN OPPOSITION TO THE COMMISSION'S RECOMMENDATION ON THAT TRACT. SO THAT WILL BE DISCUSSION ITEM 104 AND 105. ITEM NO. 106 IS MPA 0019.01, KNOWN AS THE RIVERFIELD PROPERTY AT 924 AND 926 EAST DEAN KEETON. THIS IS A NEIGHBORHOOD PLAN AMENDMENT. THE APPLICANT REQUESTING DEFINITE POSTPONEMENT A RELATED ITEM TO THAT IS ITEM 107 CASE C14-0025, RIVERFIELD 1 AT 924 EAST DEAN KEETON AND ITEM NO. 108, WHICH IS CASE C14-07-0024 RIVERFIELD 2 AT 926 EAST DEAN KEETON. AGAIN THE APPLICANTS REQUESTED AN INDEFINITE POSTPONEMENT OF BOTH 107 AND 108, AND HAS REQUESTED A REVISED APPLICATION BE LOOKED AT FOR PUD ZONING ON THIS PROPERTY. THAT WOULD HAVE TO BE RENOTIFIED AND GO BACK TO THE COMMISSION BEFORE IT COMES BACK TO THE COUNCIL AGAIN: ITEM 109, 110 AND 11 ARE RELATED. MNPA 070017.01. THIS IS AN AMENDMENT TO THE CREST VIEW COMBINED NEIGHBORHOOD PLAN PROPERTY LOCATED A OOH AT 67520 AND 7530 NORTH LAMAR BOULEVARD AND ITEM NO. 110 IS C14 2007-0094 AT 6909 RYAN DRIVE. AND ITEM NO. 111, CASE C14-.-.... C14-20070095 AND LOCATED ON NORTH LAMAR BOULEVARD, THESE THREE RELATED ITEMS, AUSTIN ENERGY HAS REQUESTED POSTPONEMENT OF ALL THREE ITEMS TO YOUR OCTOBER 18 AGENDA. SO THAT'S ITEMS 109, 110 AND 111 FOR POSTPONEMENT UNTIL YOUR OCTOBER 18 AGENDA. ITEM NO. 112. I THINK WE NEED TO DEFER ACTION ON PART OF THIS ITEM. I'LL READ THE PART OF THE ITEM THAT WE CAN TAKE FOR CONSENT POSTPONEMENT, AND LET ME EXPLAIN, THE UNIVERSITY HILLS NEIGHBORHOOD HAS REQUESTED POSTPONEMENT, BUT THE WINDSOR PARK PORTION OF THIS ITEM IS READY TO GO. BUT THAT WOULD

BE FOR ALL THREE READINGS. SO I WOULD READ THE POSTPONEMENT PORTION OF THIS ITEM OF 112. THIS IS CASE NPA-2007-023 THE UNIVERSITY HILLS NEIGHBORHOOD PLAN, AND THIS IS RELATED TO TRACTS 202, 220 AND 220 A, AND THEN WE HAVE A POSTPONEMENT REQUEST --

GREG, REAL QUICK. WE HAVE FIVE NOW SO WE COULD ACTUALLY --

I'VE BEEN NOTING THAT I'LL JUST READ THIS INTO THE CONSENT AGENDA. THAT WILL BE GOOD.

AND SO THAT WOULD BE A POSTPONEMENT ON THOSE ITEMS UNDER 112. ITEM 113 IS ALSO A REQUEST FOR POSTPONEMENT BY THE UNIVERSITY HILLS NEIGHBORHOOD, AND THIS IS CASE C14-2007-0006, UNIVERSITY HILLS NEIGHBORHOOD PLAN, AND THIS IS TRACTS 202, AND IT'S FOR THE REZONING OF PROPERTY AT 7506 AND 7650 ED BLUESTEIN, WHICH IS TRACT AGAIN 202. SO THAT'S A NEIGHBORHOOD POSTPONEMENT OF THAT ITEM TO OCTOBER 11, AND FINALLY ON OCTOBER 114, CASE C14-2007-..... C14-2007-0006.01, UNIVERSITY HILLS, AGAIN THIS IS A REQUEST FOR TRACTS 220 AND 220 A FOR PROPERTY AT 53301 LOYOLA LANE AND A 976 BY 367 PORTION OF 5301 LOYOLA LANE, TRACT 220. THE AUSTIN INDEPENDENT SCHOOL DISTRICT WOULD LIKE TO MEET WITH THE NEIGHBORHOOD AND THEY HAVE REQUESTED POSTPONEMENT OF THIS ITEM TO OCTOBER 11. AND SO THAT CAN BE OFFERED AS A CONSENT AND POSTPONEMENT ITEM. AND MAYOR, THAT ENDS THE PARTIAL ITEMS. I CAN GO BACK AND START AT THE BEGINNING OF THE AGENDA AND TAKE THE CONSENT POSTPONED ITEMS NOW THAT WE HAVE AT LEAST FIVE SITTING ON THE DAIS, IF YOU'D LIKE, OR YOU CAN TAKE A VOTE ON THESE, CATCH YOUR BREATH AND THEN I CAN GO THROUGH THE CONSENT ITEMS.

MAYOR WYNN: LET'S JUST GO AHEAD AND ROLL BACK IN AND GET THESE THIRD READINGS ON AS WELL.

THEN I'LL ROLL BACK UP TO THE BEGINNING OF THE 4:00 PUBLIC HEARING ITEMS, ITEM NO. 86, CASE C14-2007-0101, THIS IS FOR THE NORTH EAST CORNER OF FM 969 AND DECKER LANE. THIS IS A REZONING REQUEST FROM

DEVELOPMENT RESERVE OR DR DISTRICT REZONING AND I-RR DISTRICT ZONING TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY OR GR-CO DISTRICT ZONING COMBINED DESCRINGT ZONE ZONING AND DESCRIL OR IP DISTRICT ZONING. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT COMMUNITY OR COMMERCIAL, GR-CO COMBINED ZONING OR INDUSTRIAL PARK, IP-CO ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READ READINGS. I ALREADY MENTIONED 87 AS A POSTPONEMENT ITEM EARLIER AND I READ 88 INTO THE RECORD AS A CONSENT. ITEM NO. 89 IS CASE C14 20070103 AT 1370 DESSAU ROAD. THIS IS A REZONING REQUEST FROM SINGLE-FAMILY RESIDENCE, STANDARD LOT CONDITIONAL OVERLAY COMBINED DISTRICT ZONING AND COMMUNITY COMMERCIAL-MIXED USE OR GR-MU COMBINED ZONING, AND TO MULTIFAMILY RESIDENCE, MEDIUM DENSITY MF-3. THE ZONING AND PLANNING COMMISSION WAS TO GRANT THE REQUEST FOR MF-3 DISTRICT ZONING AND THIS IS READY FOR CONSENT ON ALL THREE READINGS. ITEM 90 IS 0107 FOR THE PROPERTY LOCATED AT 6406 NORTH IH-35, SUITE 1100. ZONING REQUEST FROM GENERAL COMMERCIAL SERVICE OF CS TO COMMERCIAL DISTRICT SALES. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT CONDITIONAL OVERLAY COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 91 I READ INTO THE RECORD AS BEING A CONSENT POSTPONEMENT ITEM. 92 IS CASE C14 2007-0109 LOCATED AT 26 GARDENIA DRIVE. THIS IS A WRE ZONING REQUEST FROM GENERAL COMMERCIAL SERVICES TO GENERAL COMMERCIAL SERVICES MIXED USE OR CS-MU COMBINED DESCRINGT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO RMD LR-MU-CO COMBINED DISTRICT ZONING. THIS IS READY FOR CONSENT ON ALL THREE READINGS. CASE C14-200-7120 AT EAST RUNDBERG LANE. REQUEST FOR DISTRICT ZONING TO LIMITED OFFICE MIXED USE OR LO-MU COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST FOR LO-MU CO WHICH ASSISTANCE FOR MIXED, COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM 94 IS CASE C14 20070150 FOR THE PROPERTY AT 1710 GRAND

PARKWAY. THIS IS A REQUEST FROM UNZONED PROPERTY TO MULTIFAMILY RESIDENCE, MODERATE -- OR HIGH DENSITY. ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT MULTIFAMILY RESIDENCE, CONDITIONAL OVERLAY, MFCO COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 95 IS A -- AS I MENTIONED EARLIER IS, NO ACTIONS REQUIRED. 96, CASE C14 2007-0089 LOCATED AT 11200 ZIMMERMAN LANE. THIS IS A REZONING REQUEST, TO SINGLE-FAMILY RESIDENCE, LARGE LOT OR SF 1 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST FOR SF 1 DISTRICT ZONING. READY FOR CONSENT ON ALL THREE READINGS. 97 I MENTIONED EARLIER WAS A POSTPONEMENT ITEM. 98 WE READ INTO THE RECORD AS A CONSENT FIRST READING. 99 WAS A DISCUSSION ITEM. ITEM 100 WAS A POSTPONEMENT ITEM I READ EARLIER. 101 WAS THE DISCUSSION POSTPONEMENT. 102 WAS A DISCUSSION ITEM. 103 I MENTIONED EARLIER THAT A DISPOSITION THAT THE COUNCIL NEEDS TO ADDRESS WHETHER THAT'S GOING TO BE DENIED OR POSTPONED. ITEM 104 AND 105 RELATE TO ZONING DISCUSSION ITEMS AND I BELIEVE THE REST I'VE ALREADY READ INTO THE RECORD. SO THAT CONCLUDES -- OH, NO, LET ME GO BACK. ITEM 112, THIS IS THE WINDSOR PARK PORTION ITEM OF 112 CAN BE OFFERED FOR CONSENT APPROVAL. ITEM 112 IS NEIGHBORHOOD PLAN AMENDMENT FOR THE WINDSOR PARK COMBINED NEIGHBORHOOD PLANNING AREA, PORTION OF TRACT 50, PORTION OF TRACT 54, TRACT 72, 77 AND TRACT 91. THIS IS THE DESIGNATED A FUTURE LAND USE MAP MIXED USE FOR 220 WHEEL LESS LANE, A PORTION OF TRACT 50 AND 5722 AND 5730 MANOR ROAD FOR A PORTION OF TRACT 54, CIVIC USED FOR 6401 NORTH HAMPTON DRIVE. HIGHER DENSITY, SINGLE-FAMILY RESIDENTIAL, FOR 5901 MANOR ROAD, AND A 4.12-ACRE TRACT OF ABS 258 SURVEY, 26 HE WOULD RIDGE, T SUBDIVISION, TRACT 77 AND 5805 AND 5809 AND 5819 ODD NUMBERS, PORTION OF TRACT 91. AND THAT CAN BE OFFERED AS CONSENT APPROVAL ON 112. THE LAST TWO ITEMS I CAN OFFER CONSENT ARE ITEM NO. 115. THIS IS THE WINDSOR PARK NEIGHBORHOOD PLAN. THIS IS FOR THE REZONING FOR TRACT 72 AND PORTIONS OF TRACT 50 AND

54 AND 91 LOCATED AT 6401 HAMPTON DRIVE, TRACT 72, 2200 WHEEL LESS LANE, WHICH IS A PORTION OF TRACT 50. TRACT 5722 AND 5730 ON MANOR ROAD. THIS WOULD BE FOR TRACT 54, PROPERTY LOCATED AT 5805 AND 5809 AND 5819, ODD NUMBERS, OF COUGH EN TRY LANE. THIS IS A PORTION OF TRACT 9191. THE SOAPG FOR THOSE FOR TRACT 72 WOULD BE FOR P PUBLIC, FOR TRACT 50 WOULD BE FOR GR-MU-CO NP, FOR TRACT 54 WOULD BE LR-MU-CO NP. AND TRACT 91 WOULD BE SF-6 NP. AND THAT CAN BE OFFERED FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 116 IS CASE C14-2007-0007.01. AGAIN, THIS IS THE WINDSOR PARK NEIGHBORHOOD PLAN COMBINING DISTRICT. ZONING OF TRACT 77 LOCATED AT 5908 MANOR ROAD, 4.12-ACRE TRACT OF LAND ABS, 258, SUR 26 HE WOULD REJ T SUBDIVISION. KNOWN AS TRACT 77. THIS THIS IS A REQUEST TO REZONING REQUEST TO SF-6, AND AND THAT'S CONSENT AND APPROVAL ON ALL AT LEAST READINGS AND THAT CONCLUDES THE CONSENT ITEMS I CAN OFFER AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. I DON'T THINK IT'S HUMANLY POSSIBLE TO READ ANY FASTER THAN YOU JUST DID. [LAUGHTER]

THANK YOU, MAYOR. [APPLAUSE]

MAYOR WYNN: OKAY. SO -- SO COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE'RE CONDUCTING THE PUBLIC HEARING WILL BE TO CLOSE THE PUBLIC HEARING, APPROVE ON ALL THREE READINGS, CASE NO. 86, TO POSTPONE CASE NO. 87 TO NOVEMBER 8, 2007, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 88. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 88, 89 AND 90. TO POSTPONE CASE 91 TO NOVEMBER 8, 2007 -- SORRY, A BUNCH OF WEEBELOS ARE WALKING IN TO CLOSE THE PUBLIC HEARING AND ALL THREE READINGS CASES NO. 92, 93 AND 95. CASE 95 HAS BEEN WITHDRAWN. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE NO. 96. TO POSTPONE ITEM NO. 97 TO OCTOBER 11, 2007. TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 98. TO POSTPONE ITEM 100 TO OCTOBER 11, 2007, AND COUNCIL, ON 103, OUR HISTORIC

CASE, WE HAVE A NUMBER OF FOLKS WHO WANTED TO GIVE US TESTIMONY, EVEN KNOWING IT WOULD TAKE SIX AFFIRMATIVE VOTES TO ZONE THIS CASE HISTORIC OVER THE OBJECTION OF THE OWNER. THERE NOT BE BEING A FULL COUNCIL, MY RECOMMENDATION WOULD BE TO GO AHEAD AND POSTPONE ITEM NO. 103 TO OCTOBER 11, 2007, OUR NEXT MEETING AS PART OF THE CONSENT AGENDA, THANK YOU, AND ON -- WE SHOULD --

104 AND 105.

MAYOR WYNN: ARE DISCUSSION. ON ITEMS 106, 107 AND 108 TO BE POSTPONED INDEFINITELY. TO POSTPONE ITEMS 109, 110 AND 111 TO OCTOBER 18, 2007. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS FOR ITEM NO. 112, THE WINDSOR PARK PORTION OF THIS POSTING AS READ INTO THE RECORD BY MR. GUERNSEY ON ALL THREE READINGS. AND THEREFORE TO POSTPONE TRACT 202, 220 AND 220 A.

OF THE UNIVERSITY HILLS.

MAYOR WYNN: OF THE UNIVERSITY HILLS TRACTS AS READ INTO THE RECORD BY MR. GUERNSEY, AS WELL AS OUR RECOMMENDED POSTPONEMENT --

TO OCTOBER 11.

MAYOR WYNN: TO OCTOBER 11, 2007. TO POSTPONE -- ON ITEM NO. 113, TO POSTPONE THE TRACT 202, AGAIN, TO OCTOBER 11, 2007, CASE 114, TO POSTPONE TRACT 220 AND 220 A, AGAIN, THE UNIVERSITY HILLS TRACTS, TO OCTOBER 11, 2007, AND TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 115 AND 116.

THAT'S CORRECT, MAYOR. I JUST NOTE ON NO. 95, IT'S NOT WITHDRAWN. WE'RE JUST REMOVING IT FOR THE AGENDA AND IT WILL COME BACK TO YOU AT A LATER DATE.

MAYOR WYNN: THANK YOU FOR THAT CLARIFICATION. SO I'LL ENTERTAIN A MOTION ON THAT PROPOSED CONSENT AGENDA. MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER LEFFINGWELL TO

APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCIL MEMBER KIM OFF THE DAIS. WELL, COUNCIL, THAT TAKES US TO A DISCUSSION ON A POSTPONEMENT, THAT BEING CASE 101.

THAT'S CORRECT, CASE 10, 0084 ELM TERRACE PROPERTY AT 3215 EXPOSITION BOULEVARD. THE APPLICANT REPRESENTED ALICE GLASCO. SHE IS PRESENT THIS EVENING. AND TO SPEAK TO THE POSTPONEMENT. THEY WOULD AGREE TO OCTOBER..... OCTOBER 11 AND I UNDERSTAND THE NEIGHBORHOOD HAS BLAKE -- HE'S HERE TO SPEAK TO A POSTPONEMENT, I BELIEVE -- OH, OKAY. TO DECEMBER 13. SO THE APPLICANT SHOULD NOT GO FIRST IN THIS CASE. THE NEIGHBORHOOD, SINCE IT IS THEIR REQUEST.

MAYOR WYNN: CORRECT, SO IF A NEIGHBORHOOD REPRESENTATIVE CAN COME FORWARD AND MAKE YOUR REQUEST, WE'LL THEN HEAR -- AGAIN, WE'RE DEBATING THE LENGTH OF THE POSTPONEMENT. WELCOME.

SURE. MY NAME IS -- I'M THE PRESIDENT OF THE WEST AUSTIN NEIGHBORHOOD GROUP, MAYOR, COUNCIL MEMBERS, INTERESTED PARTIES. WALKING INTO THE BUILDING EARLIER TODAY I THOUGHT WE HAD A VALID POSITION IN HAND AND THAT OCTOBER POSTPONEMENT TODAY WOULD BE A REASONABLE COMPROMISE, BUT AT THE LAST MINUTE, AT ABOUT 2:00 THIS AFTERNOON WE HEARD THAT CITY LEGAL HAD RENDERED AN INTERPRETATION THAT CHANGED THE ENTIRE PLAYING FIELD, THAT THE PETITION THAT WE HAD TURNED IN WOULD NOT BE ACCEPTED, THAT -- BECAUSE OF THE STATE SCHOOL PROPERTY BEING UNZONED, THAT THERE IS AN INTERPRETATION THAT OUR PARTITION WOULD NOT BE ACCEPTED. SO THAT CHANGES QUITE A BIT FOR US. AS PART OF OUR DUE DILIGENCE RESEARCH WILL CONTINUE INTO THAT MATTER, SO WE WILL LOOK INTO THAT FURTHER.

AT THIS LATE DATE UNFORTUNATELY WE WERE NOT ABLE TO REACH, NOTIFY OR CONFER WITH A NUMBER OF OUR WEST AUSTIN NEIGHBORHOOD GROUP EXECUTIVE COMMITTEE MEMBERS, ADVISERS, NEIGHBORHOOD MEMBERS, OTHER INTERESTED PARTIES. IT'S TRUE WE HAD ORIGINALLY REQUESTED DECEMBER 13 POSTPONEMENT DATE. WE HAD HOPED THAT THE TIME BETWEEN NOW AND THEN WOULD BE USED WISELY BY THE DEVELOPER, NEIGHBORS AND OTHER INTERESTED PARTIES TO ARRIVE AT AN EQUITABLE COMPROMISE. WE HAVE TAKEN TO HEART THE WORDS OF THE PLANNING COMMISSION AND HAVE EMBARKED ON SEVERAL PATHS OF VISIONS FOR THE STATE SCHOOL PROPERTY. AS MANY OF YOU ARE AWARE WE'RE IN THE PROCESS OF DOING NEIGHBORHOOD PLANNING FOR OUR AREA. WE JUST HAD OUR VISIONING SESSION FOR THE OVERALL NEIGHBORHOOD PLANNING AREA, SO SOME OF THE NEIGHBORS HAVE ACTUALLY RETAINED AN OUTSIDE CONSULTANT TO HELP DO SOME VISIONING FOR THEM. OUR NEIGHBORHOOD GROUP HAS EMBARKED ON SOME VISIONING AS WELL AS THE PROCESS THAT'S ONGOING THROUGH THE NEIGHBORHOOD PLANNING PROCESS. SO THERE ARE A NUMBER OF EFFORTS THAT ARE HAPPENING IN PARALLEL. OUTSIDE OF THAT THE NEIGHBORHOOD GROUP HAS ALSO STARTED THE PROCESS OF UPDATING A SURVEY THAT WE HAD DONE A NUMBER OF YEARS AGO, WHICH WAS SPECIFIC TO THE STATE SCHOOL PROPERTY. WE HAD ONE THAT WAS DONE ABOUT THREE YEARS AGO AND WE HAVE BEEN WORKING ON PUTTING TOGETHER A NEW ONE, AND THAT IS OUT TO THE NEIGHBORS AND WE SHOULD HAVE THAT BACK SOON. SO ALL OF THESE EFFORTS DO TAKE SOME TIME. OUR NEIGHBORHOOD ALSO HAS A HISTORY OF OPPOSING SPOT ZONING, AND WE BELIEVE THAT THIS IS, IN FACT, A SPOT ZONING ISSUE. THESE TWO ACRES ARE JUST TWO ACRES --

AGAIN, MA'AM, I'M SORRY, MA'AM, BUT WE'RE TALKING ABOUT THE LENGTH OF POSTPONEMENT, NOT THE CASE ITSELF.

OKAY. I'M SORRY.

MAYOR WYNN: YOUR OTHER POINTS ARE VERY VALID BECAUSE YOU TALKED ABOUT OTHER THINGS YOU'RE

TRYING TO GET ACCOMPLISHED BEFORE MAKING A DECISION, BUT WE RECOGNIZE THE NATURE OF THE ZONING.

SO IN GOOD FAITH WE WOULD BE WILLING TO MOVE OUR POSTPONEMENT REQUEST DATE TO NOVEMBER 1 FROM THE DECEMBER 13 DATE THAT WE HAVE REQUESTED. BUT BEING THAT WE HAD ONLY FOUND OUT ABOUT OUR PETITION NOT BEING ACCEPTED AS PART OF THIS PROCESS, THE OCTOBER 18 DATE IS SOMETHING THAT DOESN'T WORK FOR A LOT OF THE PEOPLE INVOLVED WITH THE PROCESS ON OUR SIDE. ALSO CONTRIBUTES SOME HARDSHIP TO SOME PEOPLE ON THE DEVELOPER'S SIDE. AND SO WE WOULD REQUEST THAT NOVEMBER 1 BE THE POSTPONEMENT DATE.

MAYOR WYNN: ALL RIGHT. THANK YOU VERY MUCH. IT'S WELL STATED. SO MS. GLASGOW, YOU'RE HERE FROM THE APPLICANT'S PERSPECTIVE AS TO THE LENGTH OF POSTPONEMENT. WELCOME.

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. THANK YOU FOR THE OPPORTUNITY. WE RECEIVED THE REQUEST OF THE NEIGHBORHOOD AND WE CHECKED WITH OUR TEAM THAT'S GOING TO BE PRESENTING, AND OUR TEAM IS AVAILABLE ON THE 11TH OR THE 18TH SO THAT WE CANNOT CONTINUE TO EXPERIENCE A HARDSHIP AS FAR AS CONTINUING THIS PROJECT. MY CLIENT AND I ARE BOTH STAKEHOLDERS OF THIS PLANNING PROCESS ALSO, SO WE'RE INVOLVED AND HAVE BEEN PARTICIPATING IN ALL THE PLANNING EFFORTS OTHER THAN JUST HAVING THIS PROPERTY AS THE CASE, WE ALSO OWN PROPERTY -- MY CLIENT LIVES IN THE NEIGHBORHOOD, SO WE ARE INDEED INVOLVED IN PLANNING AND WE WANT TO BE INVOLVED WITH THE PLANNING OF THE ENTIRE NEIGHBORHOOD TOO. SO IN ORDER TO CONTINUE THE DIALOG, WE AGREED TO A POSTPONEMENT TO OCTOBER THE 18TH, AND THAT WILL GIVE EVERYBODY ENOUGH TIME TO REGROUP. WE ALL HAVE PARTIES ON BOTH SIDES THAT HAVE COMMITTED TO BEING AVAILABLE, AT LEAST FROM MY END OF MY TEAM, THE 11TH OR THE 18TH ARE THE TIMES THAT MY TEAM MEMBERS ARE GOING TO BE PART OF THE PRESENTATION THAT ARE AVAILABLE. THANK YOU.

MAYOR WYNN: MS. GLASGOW, WE HAVE A REQUEST FROM THE NEIGHBORHOOD FOR -- I BELIEVE EQUATES TO A FIVE-WEEK POSTPONEMENT AND A REQUEST FROM THE -- RESPONSE FROM THE DEVELOPMENT TEAM, APPLICANT TEAM, FOR A THREE-WEEK POSTPONE HIM. UNFORTUNATELY OUR FOURTH WEEK AS THE COMPROMISE, WE DON'T HAVE A MEETING THAT THURSDAY, OCTOBER 25. COMMENTS? THOUGHTS? COUNCIL MEMBER COLE?

COLE: MAYOR, I MOVE THAT WE GO WITH THE OCTOBER 18 DATE.

MAYOR WYNN: WE HAVE A MOTION BY COUNCIL MEMBER COLE, SECONDED BY COUNCIL MEMBER MCCrackEN, TO POSTPONE ITEM 103 -- SORRY, 101 TO OCTOBER 18, 2007. I'LL BE SUPPORTIVE VNL MOTION.....SUPPORTIVE OF THISMOTION THAT WE CAN'T ALWAYS -- IT'S NOT UNCOMMON FOR US TO POSTPONE AGAIN. SO THIS GIVES US AN ATTEMPT TO SEE IF PROGRESS HAS BEEN MADE ON THE 18TH, AND THIS COUNCIL CERTAINLY RESERVES THE RIGHT FOR AN ADDITIONAL POSTPONEMENT ON THE 18TH. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION TO POSTPONE TO OCTOBER 18 PASSES ON A VOTE OF 6-0. MR. GUERNSEY, LET'S SEE. LOOKS LIKE OUR FIRST DISCUSSION ITEM MIGHT BE 99.

THAT'S CORRECT, MAYOR. I UNDERSTAND YOU MAY HAVE AS MANY AS 12 SPEAKERS POSSIBLY ON THIS ITEM.

MAYOR WYNN: I THINK IT HAS JUST GROWN. WE NOW HAVE 13 FOLKS WISHING TO SPEAK.

OKAY.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

BEFORE WE BEGIN I WANT TO TAKE A POINT OF PERSONAL PRIVILEGE BECAUSE IT'S GOING TO BE MY SON'S BEDTIME

SOON SO I KNOW I CAN'T STAY HERE ALL NIGHT, BUT I WANTED TO ACKNOWLEDGE PACK 33 AND 93, WEEB LOWS AND BOY SCOUTS AND GIRL SCOUTS OF AMERICA WHO ARE HERE TONIGHT DOING THEIR CITIZENSHIP PARTICIPATION.

SEEING GOOD GOVERNMENT IN ACTION, HUH? [APPLAUSE]

MARTINEZ MARTINEZ I'M NOT SURE THEY'RE GOING TO MAKE IT THROUGH THE NEXT ZONING CASE. I JUST WANTED TO ACKNOWLEDGE THAT.

MAYOR WYNN: SPEAKS HIGHLY OF THEM. MARTINEZ MARTINEZ I LOVE YOU, ANGEL.

MAYOR WYNN: WELCOME, KID.... KIDDOS.

LEFFINGWELL: A MERIT BADGE FOR SITTING THROUGH A ZONING CASE?

MAYOR WYNN: THEY SAT THROUGH A -- ITEM NO. 99, CORRECT, WE HAVE A NUMBER OF SPEAKERS, SO IF YOU COULD PRESENT THE CASE, MR. GUERNSEY.

VERY GOOD. CASE C14-2007, 0049 IS THE PALM SQUARE PROPERTY AT 6,004 WEBBER VILLE ROAD. THIS IS ITEM NO. 99. THIS IS A REZONING REQUEST FROM CV CO-NP, STANDS FOR JONES COMMERCIAL SERVICES CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN TO CS-1 CO-NP, WHICH STANDS STANDS FOR COMMERCIAL LIQUOR, NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING. THE REZONING REQUEST IS FOR AN AREA THAT'S ONLY JUST A LITTLE OVER HALF AN ACRE, TRACT 2 IS PROPOSED FOR CS-1 CO ZONING FOR ABOUT 6,000 FEET AND TRACT 3 FOR ABOUT 3,000 FEET. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT APPROVAL OF THIS REQUEST. THE STAFF RECOMMENDATION WAS AGAIN TO LIMIT TRACT 2 TO 6,000, AND TRACT 3 TO 3,000. THE PROPERTY OWNER PLANS TO RENOVATE AN EXISTING SHOPPING CENTER BUILDING THAT WAS BUILT IN THE '80S AND THE BUILDING WAS CONSTRUCTED ONLY IN A SHELL FORM AND WAS NEVER FINISHED. ITS SIZE IS APPROXIMATELY 30,000 SQUARE FEET, AND CURRENTLY EXISTS ON THE PROPERTY. THERE WERE SOME PAD SITES THAT ALSO WERE THERE BUT THEY

REMAIN UNBUILT. THE NORTHEAST CORNER OF ED BLUESTEIN AND FM 969. TO THE REAR OF THE PROPERTY ARE SOME EXISTING SINGLE-FAMILY HOMES ON SF-2 NP. FURTHER TO THE SOUTH OF THE INTERSECTION IS SOME CS AND CS-CO ZONING. FURTHER TO THE WEST ACROSS 183 IS CS-NP ZONING AND CS-CO-NP ZONING. THE APPLICANT HAS AGREED WITH THE ORIGINAL REQUEST TO PROHIBIT CERTAIN USES ASSOCIATED WITH THIS REZONING REQUEST, AND THOSE WOULD INCLUDE ADULT -- LET ME GO THROUGH ALL THESE USES. -- ADULT ORIENTED BUSINESSES, AUTOMOTIVE SALES, COMMERCIAL BLOOD PLASMA CENTER, CONVENIENCE STORAGE -- HANG ON HERE. EQUIPMENT SALES, VEHICLE STORAGE, AGRICULTURAL SALES AND SERVICE, CAMPGROUNDS, CONSTRUCTION SALES AND SERVICES, EQUIPMENT REPAIR SERVICES, KENNELS AND LIMITED WAREHOU DISTRIBUTION. THAT'S WHAT'S IN THE EXISTING CONDITIONAL OVERLAY THAT WAS APPROVED. AND WHICH IS PROPOSED AND RECOMMENDED FOR RETENTION. AND THESE WOULD BE CONDITIONAL LEASES.

I THINK I'LL PAUSE AT THIS TIME AND LET THE APPLICANT COME FORWARD. I KNOW THE APPLICANT HAS SPOKEN TO SOME OF THE PROPERTY OWNERS THAT ARE ADJACENT TO THIS TRACT. WHEN THE PROPERTY COMES BACK IN FOR REDEVELOPMENT THEY'LL HAVE TO GO TO THE SITE PLAN PROCESS. THE CONDITIONAL USE PERMIT FOR A COCKTAIL LOUNGE WOULD BE REQUIRED, WHICH MEANS A SITE PLAN WOULD GO BEFORE THE PLANNING COMMISSION FOR ITS APPROVAL WITH POSSIBLE APPEAL BY AN INTERESTED PARTY TO THE CITY COUNCIL. THE LIQUOR STORE THAT WAS PROPOSED FOR THE OTHER CS-1 PAD WOULD BE A PERMITTED USE AND WOULD NOT REQUIRE ANY APPROVAL BY THE PLANNING COMMISSION AND COULD BE APPROVED ADMINISTRATIVELY. THE ONLY OTHER THING I'LL NOTE IS THAT ORIGINALLY THE APPLICATION CAME IN AND ASKED FOR THE ENTIRE SHOPPING CENTER TO BE ZONED CS-1 AND THE APPLICANT HAS AGREED TO LIMIT THAT SQUARE FOOTAGE AGAIN TO 6,000 SQUARE FEET AND 3,000 SQUARE FEET PADS WITHIN THE EXISTING BUILDING OF CS-1 ZONING. MR. PHIL MCCOT IS HERE FOR THE APPLICANT.

MR. MCCOTA, WE WILL SET THE CLOCK FOR 5 MINUTES FOR YOUR FIRST PRESENTATION AND THEN WE'LL HEAR FROM

FOLKS IN SUPPORT OF THE ZONING CASE. THEN WE'LL HEAR FOLKS IN OPPOSITION AND YOU HAVE A THREE-MINUTE REBUTTAL. WELCOME.

GOOD EVENING, MAYOR, COUNCIL MEMBERS. I'M PHIL MANCARA. I'M A REGISTERED AGENT FOR THE APPLICANT, AND I WAS KIND OF SURPRISED WHEN I GOT HERE TONIGHT THAT WE HAD ALL THIS OPPOSITION BECAUSE WE MET IN GOOD FAITH WITH THE CAVALIER NEIGHBORHOOD ASSOCIATION, AND THERE WERE ALSO MEMBERS FROM THE HERITAGE HILLS, I OBJECT, IS THE MAJORITY OF THE GROUP THAT'S HERE THIS EVENING TO TALK TO YOU-ALL. WHEN WE FIRST TALKED TO STAFF ABOUT REDEVELOPING A SITE THAT HAD BEEN ABANDONED FOR OVER 20 YEARS IN AN AREA THAT HISTORICALLY HAS LIMITED SERVICES AVAILABLE TO THE NEIGHBORHOOD, WE CAME IN WITH THE INTENTION OF DOING AND BUILDING A DEVELOPMENT THAT WAS GOING TO SERVE THE COMMUNITY PARTICULARLY THAT NEIGHBORHOOD GROUP, PEOPLE THAT LIVE IN THAT AREA, AND ALSO MEETING THE ELEMENTS THAT THE CITY WOULD WANT, WHICH WOULD BE MIXED USES. ORIGINALLY WHEN WE TALKED TO STAFF WE WERE LOOKING AT APPROXIMATELY 283,140 SQUARE FEET OF REZONING, WHICH IS ABOUT 6.5 ACRES IS WHAT THE SITE ENCOMPASSES. AFTER TALKING TO STAFF WE LOOKED AT THAT SHELL AND I NEED TO CLARIFY TWO THINGS BECAUSE I'M A LITTLE -- YOU'RE LISTING THE ADDRESS AT 6004 WHICH IS HOW WE ORIGINALLY SUBMITTED IT. CITY STAFF MADE A DETERMINATION THAT THE CORRECT ADDRESS SHOULD BE 6000, SO I THINK IT'S IMPORTANT TO MAKE EVERYONE AWARE OF THAT, AND THAT ACTUAL SHELL BUILDING IS ABOUT 31,500 SQUARE FEET OF EXISTING SPACE OUT THERE, AND OUT OF THAT SPACE STAFF ASKED US IF WE WOULD CONSIDER REDUCING THAT TO 9,000 SQUARE FEET, 6,000 FOR A COCKTAIL LOUNGE, 3,000 FOR LIQUOR SALES. TALKED TO MY OWNERS AND THEY -- THE DEVELOPERS -- THEY MORE THAN WILLINGLY AGREED TO DO THA. THE SECOND THING THAT STAFF ASKED US TO DO WAS TO TRY TO LOCATE THESE PROPOSED BUSINESSES AS FAR AWAY FROM THE NEIGHBOR AS WE COULD, SO WE DID THAT AS WELL. IN ADDITION TO THAT THE POTENTIAL TENANTS THAT ARE GOING TO BE OCCUPYING THE SPACE AT THE COCKTAIL

LOUNGE HAVE ALREADY ENTERED AND ARE NEGOTIATING TO HAVE BONDED LICENSED SECURITY GUARDS ON-SITE WHILE THE BUSINESS IS OPEN AND ALSO HIRE OFF DUTY POLICE OFFICERS TO PREVENT ANY TYPE OF LOITERING. THIS IS GOING TO BE MORE OF A CLUB WHERE SOMEONE CAN GO IN THE AFTERNOON. BOTH OF THE TENANTS THAT ARE GOING TO BE BUILDING THE CLUB ACTUALLY WORK AT DELL, SO THEY'RE GOING TO BE OFFERING SOME CLASSES THERE. THEY'LL ALSO BE OFFERING COMPUTERS THERE SO SOMEONE THAT MIGHT WANT TO HAVE AN AFTER WORK COCKTAIL AND STILL HAVE AN OPPORTUNITY TO GET ON THE INTERNET AND SOCIALIZE, THAT OPPORTUNITY IS GOING TO BE AVAILABLE. I'M HERE TO ANSWER ANY QUESTIONS THAT ANYONE MAY HAVE, BUT I DID HAVE AN OPPORTUNITY TO REVIEW AND I DON'T KNOW IF I CAN SPEAK TO THAT AT THIS TIME ABOUT SOME OF THE COMMENTS AND THE PEOPLE THAT WILL BE SPEAKING. AND I DON'T KNOW IF THEY HAVEN'T BEEN GIVEN ENOUGH INFORMATION, BUT WE ARE GOING TO HAVE OTHER THINGS THERE BESIDES JUST THE LIQUOR STORE AND COCKTAIL LOUNGE. WE'RE GOING TO BE PUTTING IN A BANK, AT LEAST THREE RESTAURANTS, NAIL SHOP, HAIR SALON, AUTO PARTS SALES, A HOME DECOR SALES OFFICE, PHONE SERVICE COMPANY TO PROVIDE THESE OPPORTUNITIES FOR PEOPLE TO LIVE IN THE AREA TO UTILIZE THOSE SERVICES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

WE'RE AT THE INTERSECTION OF TWO MAJOR ROADWAYS, U.S. 183 AND MLK OR 969, WHICH IS THE TXDOT HAS CURRENTLY DONE IMPROVEMENTS THERE CURRENTLY TO ENHANCE THAT ROADWAY. SO I DON'T KNOW IF IT WOULD MAKE OR BREAK THE DEAL, BUT I DO KNOW THAT ONE THING WE HAVE ALREADY DONE, WE HAVE ALREADY COMPLETELY PRELEASED ALL 31,500 SQUARE FEET OF THAT EXISTING SHELL BUILDING, SO THEY'RE ALREADY INTO A LEGAL OBLIGATION WITH THESE PROPOSED TENANTS TO CONSTRUCT THE SHELL AND THEN PUT THEM IN THE LEASE SPACES.

I WOULD ASSUME THAT ANY AGREEMENT THAT THEY MADE TO ENTER INTO THIS LEASE SHOULD HAVE HAD A PROVISION THAT SAID YOU DON'T HAVE THE ZONING CATEGORY TO OPERATE AS A LIQUOR STORE OR A NIGHTCLUB. HOW

COULD YOU SIGN A LEASE FOR A USE WHEN YOU DON'T HAVE THAT EXISTING USE.

LET ME LET THE OWNER SPEAK TO THAT. THANK YOU.

CITY COUNCIL, ALLOW ME TO JUMP IN BECAUSE I'M THE OWNER OF THE DEVELOPMENT. MYSELF, I CAME TO AUSTIN 11 YEARS AGO. MOTOROLA MOVED ME PROSECUTE NEW YORK TO AUSTIN AND I AM AT THE PLANT AT ED BLUESTEIN. I AM CLOSE TO THIS FACILITY, SO I AM VERY FAMILIAR WITH THE DEVELOPMENT THERE. FIRST I WANT TO ANSWER YOUR QUESTION. WE HAVE -- I MYSELF EXPERIENCED A VERY HARDSHIP WHEN I WORKED FOR MOTOR LAYMENT AT LUNCHTIME I COULDN'T FIND ANY RESTAURANTS AROUND. ANY TIME I WENT TO HAVE LUNCH IT WAS A TWO-HOUR LUNCH. AND I CAN SEE THE NEIGHBORHOOD SURROUNDING THERE, THEY ARE VERY UNDERSERVED, EVEN BASIC COMMERCIAL SERVICE. AND WHEN WE DECIDE TO POOL OUR RESOURCE TOGETHER AND DEVELOP THE AREA, WE THINK THIS IS A VERY WONDERFUL OPPORTUNITY, FIRST TO RENEW AND MAKE THE WHOLE AREA LOOK VERY NICE. IT IS ACTUALLY CREATED OUT OF NECESSITY. WE POLICE THE PROPERTY AND WE HAVE A RESTAURANT ALREADY COME IN. WE HAVE NAIL SALON, PERSONAL SERVICE. WE HAVE CONVENIENCE STORE, GAS STATION. AND ONE OF OUR POTENTIAL TENANT COMING IN AND PUT IN THE REQUEST TO OPEN A LOUNGE. SO WE HAVE EXTENSIVE DISCUSSION WITH THIS POTENTIAL TENANT AND I ASKED THEM WHAT IS THE MAIN REASON WHY THEY WANTED TO GO THERE. AND TWO LADIES VERY COMMITTED TO SERVE THE COMMUNITY, AND THEY TOLD ME THAT THE NEIGHBORHOOD HERE NEED IT. WE HAVE A LOT OF (INDISCERNIBLE) SURROUNDING THE NEIGHBORHOOD HERE AND WE SEE THAT THERE'S A NEED FOR THAT. SO AFTER THAT THEN WE ALSO TOLD THEM THAT WE HAVE THE CS ZONING STATUS RIGHT NOW, SO FOR US TO BRING YOU IN WE HAVE TO APPLY FOR THE ZONING CHANGE AND THAT'S WHY WE ARE HERE TODAY. AND WE ASKED THE POTENTIAL TENANT TO GIVE US THE BUSINESS PLAN. AND I SEE IT'S VERY COMPREHENSIVE AND HAVE A LOT OF VALUE TO THE PEOPLE AROUND THERE. NUMBER BE ONE, THIS IS NOT JUST A DJ CLUB. I KNOW PEOPLE ARE COMING IN AND LOUD NOISE AND MUSIC AND GETTING DRUNK. THIS IS A PLACE FOR PEOPLE IN -- ELDERLY CLASS

OR OLDER THAN 25 OR 30 YEARS OLD. AND THEY WANT TO PROVIDE A VERY PLEASANT ATMOSPHERE FOR PEOPLE TO RELAX AFTER WORK AND ALSO HAVE A CHANCE TO SOCIALIZE. I ASKED THEM ABOUT OPENING TIME, OPERATING TIME, AND THEY TOLD ME THAT THE MAIN BUSINESS FOR THE LOUNGE WILL BE AFTER WORK. DURING DAYTIME THEY HAVE OTHER ACTIVITY LIKE DANCE CLASS, COMPUTER CLASS AND MAYBE ALSO A BARTENDING CLASS. SO I CAN SEE THEY HAVE A LOT OF SERVICE --

McCracken: AND I APPRECIATE THAT. I DO. I UNDERSTAND THAT YOU'RE TRYING TO MAKE A VIABLE BUSINESS.

Martinez: MY QUESTION WAS COULD YOU MAKE A VIABLE BUSINESS WITHOUT A LIQUOR STORE AND ALCOHOL SALES WITHIN THIS DEVELOPMENT?

OH, THE CENTER SHOULD HAVE A LOT OF UPSIDE POTENTIAL. THIS IS ONE OF THE REQUESTS FROM A POTENTIAL TENANT. AND TO ME IT IS VERY MUCH UNFAIR FOR ME TO DENY A BUSINESS PERSON AND HAVE A GOOD PLAN AND THEY ALSO WOULD LIKE TO DO THAT. AND THAT GIVE US THE INTENTION TO TRY TO HELP THEM AND GO THROUGH THE ZONING REQUEST PROCESS.

Martinez: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS FOR OUR APPLICANT. COUNCILMEMBER KIM?

Kim: I GUESS THIS QUESTION IS FOR EITHER THE APPLICANT OR MR. MONCADA. I RECALL THAT THE CITY WAS LOOKING AT ACQUIRING THIS PROPERTY FOR STAGING FOR PUBLIC WORKS, FOR ITS STREET AND BRIDGE CREW, WHICH I DON'T CONSIDER TO BE THE HIGHEST AND BEST USE OF THIS PROCESS, BUT THAT WAS GOING FORWARD AND MOVING PRETTY FAST, AND IT WAS THEN THAT MR. VU CONTACTED ME AND SAID THAT I HAVE -- I'M LOOKING AT REAL ESTATE TENANTS FOR THIS MALL AND I REALLY NEED SOME HELP BEFORE YOU PUT IN THE STREET AND BRIDGE CREW FROM PUBLIC WORKS INTO MY PROPERTY. SO MR. MONCADA, CAN YOU GIVE US SOME BACKGROUND ON THAT.

I'LL BE MORE THAN HAPPY TO. AFTER WE CAME INTO THE CITY OF AUSTIN WITH OUR ORIGINAL SITE PLAN REQUEST AND ALSO REQUESTING A 1704 DETERMINATION BECAUSE OF THE SUBDIVISION, HAVING BEEN PLATTED BEFORE 85 AND ALSO THE SITE PLAN HAVING BEEN APPROVED IN 85 AND THEN CONSTRUCTION STARTED IN 86, THIS PARTICULAR DEVELOPMENT SAT OUT THERE FOR 21 YEARS. AFTER WE SUBMITTED OUR SITE PLAN TO THE CITY, I WAS APPROACHED BY REAL ESTATE AND WAS TOLD -- WASN'T ASKED, I WAS TOLD THAT THERE WERE.....THEY WERE GOING TO BE CONDEMN K THE PROPERTY BY EMINENT DOMAIN BECAUSE THEY HAD TO MOVE THE CURRENT STREET AND BRIDGE YARD FROM THE ROBERT MUELLER DEVELOPMENT WHICH HAD BEEN RELOCATED FROM THE MAC DEVELOPMENT OVER ON RIVER STREET. AND I'M NOT AN ATTORNEY, BUT I LOVE TO READ, AND SOMETHING I UNDERSTOOD IN EMINENT DOMAIN IN A SUPREME COURT CASE THAT CAME INTO THE STATE OF IOWA THAT I HAPPENED TO READ IN A REAL ESTATE MAGAZINE THAT WAS AT JENNIFER'S OFFICE, WHO IS MY OTHER CLIENT, IT SPECIFICALLY STATED THE ONLY WAY A CITY COULD EMINENT DOMAIN A SUBJECT PROPERTY WAS THAT IF IT WAS IN THE BEST INTEREST OF A COMMUNITY OR IF IT SERVED THE PUBLIC GOOD. THIS PARTICULAR REQUEST FROM STREET AND BRIDGE, PUBLIC WORKS, WAS SPECIFICALLY IN MY MIND SHOWING PREFERENCE ONE DEVELOPER OVER ANOTHER. AND I TOLD THEM THAT THAT WAS FINE, BUT WE WEREN'T JUST GOING TO GIVE UP THE PROPERTY BECAUSE WE HAD ALREADY INVESTED IN THE PROPERTY. WE ALREADY HAD SPENT MONEY ON ENGINEERING. WE HAD ALREADY HAD THE SLAB AND THE EXISTING BUILDING OUT THERE STRUCTURALLY TESTED TO MAKE SURE IT WAS SOUND, THE TILT WALL, THE SLAB. AND BASICALLY WE WERE MOVING FORWARD WITH OUR DEVELOPMENT. BUT NOT TRYING TO SLIGHT THE CITY, THEY HAD A QUANDARY AND ONE OF THE REASONS THEY WANTED THE PROPERTY WAS BECAUSE TXDOT HAD REQUESTED THEY RELOCATE A 16-INCH WATER LINE OUT OF THE NINE 73 RIGHT-OF-WAY -- 969 RIGHT-OF-WAY, BASICALLY RIGHT IN FRONT OF US. AND WHAT WE NEGOTIATED WITH THEM WAS WE WOULD BE MORE THAN HAPPY TO GIVE YOU AN EASEMENT TO RELOCATE YOUR WATER LINE AND WE DIDN'T

SAY BUT YOU HAVE TO LET US DO OUR DEVELOPMENT, WE HAD AGREED TO DO THAT, BUT WE WANTED TO PROCEED WITH OUR DEVELOPMENT AND THAT'S WHERE WE'RE AT. TO FURTHER ELABORATE ON COUNCILMEMBER MARTINEZ'S QUESTION, ONE OF THE THINGS THAT WE'RE NOT ALWAYS SURE OF, ESPECIALLY WITH SOMEONE THAT'S COMING IN TO DO DEVELOPMENT FOR THE FIRST TIME OR SECOND TIME IN AUSTIN, WE ARE NOT ALWAYS QUITE CLEAR ON WHAT ZONING IS PERMITTED AS FAR AS WHAT USES ARE PERMITTED BASED ON THE EXISTING ZONING. AND THAT MIGHT HAVE BEEN ONE OF THE REASONS THEY WENT ON AHEAD AND ENTERED INTO THIS LEASE. AND THEN AFTER THE FACT WE FOUND OUT AFTER DOING SOME RESEARCH THAT WE HAD TO REQUEST A REZONING. AND AT THAT POINT IN TIME WE REDUCED IT TO ONLY BASICALLY LIMIT US TO THAT PORTION OF THE WHOLE SITE, WHICH IS POSSIBLY LESS THAN THREE PERCENT OF THE WHOLE SITE AREA. IN ADDITION TO THAT, WE'RE ALSO GOING TO BE PUTTING A SIX-FOOT PRIVACY FENCE ALONG THE REAR OF THE PROPERTY, WHICH IS ALSO BASICALLY A CITY OF AUSTIN REQUIREMENT FOR SCREEN WHG YOU'RE ADJACENT TO SF-5 OR MORE RESTRICTIVE ZONING.

Mayor Wynn: THANK YOU, MR. MONCADA.

Mayor Wynn: BEGIN, YOU WILL HAVE A CHANCE TO REBUT IN A FEW MINUTES. NOW WE GO TO CITIZENS IN FAVOR OF THE ZONING CASE. JUDY SIGNED UP NOT WISH TO GO SPEAK IN FAVOR AND JOANNA HOUSE IS HERE TO ANSWER QUESTIONS IF NEED BE, BUT SHE IS IN FAVOR. WOULD YOU LIKE TO ADDRESS US NOW, MS. HOUSE? WELCOME. YOU WILL HAVE THREE MINUTES. WELCOME.

MAYOR, COUNCILMEMBERS, MY NAME IS JOANNA HOUSE. I'VE BEEN LIVING IN AUSTIN FOR APPROXIMATELY 10 YEARS. I WORK FOR DELL. I'VE BEEN AT DELL 10 YEARS. I WAS RECRUITED BY DELL. ALSO MY FRIEND JUDY, SHE'S BEEN AT DELL FOR EIGHT YEARS AND SO LIVING HERE I WAS LIKE, THERE'S NOTHING TO DO. THERE'S NOTHING TO DO FOR SOMEONE MY AGE. SO JUDY AND I HAD BEEN TALKING ABOUT IT, TALKING ABOUT IT, SO WE'VE BEEN DOING RESEARCH AND BACKGROUND AND GOING TO DIFFERENT CLUBS AND CHECKING OUT DIFFERENT THINGS FOR THINGS

FOR PEOPLE TO DO OUR AGE. SO WE JUST DECIDED THAT WE WANTED TO OPEN UP THE LOUNGE. BUT I.. I WANT YOU TO UNDERSTAND IT'S NOT NECESSARILY A LOUNGE, BUT IT'S ALSO FOR OTHER THINGS. WE'LL HAVE BARTENDING CLASSES THERE, WE'LL HAVE BARTENDING CERTIFICATION THERE. WE'LL HAVE LITTLE LEAGUE THINGS THERE. LIKE, FOR INSTANCE, ALL MY FRIENDS WHOSE KIDS PARTICIPATE IN LITTLE LEAGUE, WE SPONSOR THE LITTLE LEAGUE. WE'RE ALSO GOING TO HAVE LIKE REUNIONS, CLASS REUNIONS, THINGS LIKE THAT. SO IT'S NOT NECESSARILY GOING TO BE A BAR, A CLUB OR SOMETHING LIKE THAT FNLT IT'S GOING TO BE SERVING OTHER PURPOSES. SO THAT'S WHY I'M HERE TO SAY THAT IT'S REALLY A GOOD IDEA AND IT'S GOOD FOR THE NEIGHBORHOOD. AND I KNOW A LOT OF PEOPLE THAT LIVE IN THE NEIGHBORHOOD AND HAVE BEEN LIVING IN THE NEIGHBORHOOD FOR LIKE 20 AND 30 YEARS THAT IS FOR IT. I'M SORRY THAT THEY'RE NOT HERE, BUT THEY'RE FOR IT. SO I JUST WANTED TO SAY THAT. AND IF YOU HAVE ANY QUESTIONS FOR ME, I'M OPEN.

Mayor Wynn: THANK YOU, MS. HOUSE. QUESTIONS FOR MS. HOUSE? I CAN SAY THAT I LIKE DOING THE RESEARCH BY GOING OUT TO CLUBS. NOW LET'S HEAR FROM FOLKS IN OPPOSITION OF THE ZONING CASE. OUR FIRST SPEAKER IS CHRISTINE ROBINSON. AND IS LEAH HUDDLESTON HERE? JUST RAISE YOUR HAND IF YOU'RE HERE, PLEASE. OUR RULES STATE YOU HAVE TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE TIME. SHE WAS GOING TO DONATE TIME TO MS. ROBINSON. SO CHRISTINE, YOU WILL HAVE UP TO THREE MINUTE. MINUTES.

I AM THE PROUD HOMEOWNER AND RESIDENT IN HERITAGE VILLAGE. AT LEAST MOST OF YOU GUYS ARE FAMILIAR WITH HERITAGE VILLAGE AS WE ARE THE FIRST SMART COMMUNITY THAT WAS DEVELOPED IN AUSTIN. I WOULD LIKE TO EMPHASIZE THE FIRST LETTER OF THE ACRONYM SMART, MEANING SAFE. THAT IS VERY IMPORTANT TO US. COLLECTIVELY WE'VE BEEN CULTURING PRIDE AND RESPECT FOR OUR SUBDIVISION. OUR NEIGHBORHOOD IS VERY DIVERSE IN AGE, ECONOMIC MEANS, LIFE..... LIFESTYLES, FAMILY TIES AND ETHNICITY. I AM AGAIN SPEAKING ON BEHALF OF ALL OF OUR NEIGHBORS. I BELIEVE FOR THE ONES WHO AREN'T ABLE TO ATTEND, WE

COLLECTED AT LEAST 13 WRITTEN FORMS SHOWING
THEY'RE OPPOSITION IN ADDITION TO THE RESIDENTS OF
HERITAGE VILLAGE THAT CAME OUT TO THE MEETING. I DID
HAVE THE DISTINCT PLEASURE OF SERVING ON THE BOARD
FOR TWO YEARS AND I GUARANTEE YOU EVERY DECISION
THAT THE BOARD MAKES AND CONTINUES TO MAKE ARE
NUMBER ONE TO PROMOTE THE COMMUNITY AND NUMBER
TWO TO ENSURE THE SAFETY OF THE COMMUNITY.
UNDERSTAND MY TIME WOULD BE BEST SPENT IF HI A
BUNCH OF CHARTS AND GRAPHS AND COULD PROVE OUT
STATISTICALLY TO YOU THE PROS OR CONS OF THIS
DEVELOPMENT; HOWEVER, I'M NOT QUITE SURE HOW TO
PLOT ON A GRAPH THE COMMUNITY'S PRIDE AND FEELING
OF SAFETY. SO I WANT TO PRESENT YOU WITH SOME OF THE
MORE PERSONAL OR SUBJECTIVE COMMENTS. WE'VE
WORKED REALLY HARD THE PAST THREE YEARS AND WE
FOUGHT DILIGENTLY. WE DO NOT SUPPORT THE CS-1
ZONING FOR THE FOLLOWING REASONS. NUMBER BE ONE,
SFWRAIMENT. IF ENTERTAINMENT ACTUALS BAR BURILY
BECAUSE WE'RE IN EAST AUSTIN, THAT IS AN INSULT TO OUR
COMMUNITY. WE LIKE TO SUPPORT ESTABLISHMENTS THAT
CAN BETTER OUR COMMUNITY, GIVE OUR TEENS AND
CHILDREN AN TOWNT HAVE MORE EXPERIENCES THAT ARE
LOCATED WITHIN OUR DISWISMGHTS THERE IS A MEGA SIZE
BAR ALREADY LOCATED ON DECKER LANE, WHICH IS 2.7
MILES FROM THE PROPOSED SITE. IN ADDITION TO THAT,
AND APPROXIMATELY A MILE AWAY DOWN 969 THERE
ALREADY EXISTS A PACKAGE LIQUOR STORE. SO OBVIOUSLY
THE SUBDIVISIONS DON'T HAVE AN ADDITIONAL NEED FOR
THESE TYPES OF ESTABLISHMENTS. NUMBER TWO IS
SAFETY. REGENCY DRIVE, WHICH IS RIGHT NEXT TO THE
PROPOSED ESTABLISHMENT, THEY'RE PROPOSING ALSO
HAVING A DRIVEWAY THAT COMES OUT ON REGENCY. IT IS
OUR ONLY ENTRANCE INTO AND EXIT OUT OF NOT ONLY
HERITAGE VILLAGE, BUT ALSO CAVALIER PARK. WE ARE
VERY CONCERNED AND AS THE MOTHER OF THREE EVERY
TIME I HAVE TO ENTER THE NEIGHBORHOOD THAT WE WILL
HAVE NOW WE'VE LEARNED AFTERNOON PATRONS THAT
COULD POSSIBLY BE INTOXICATED WHICH ADDS TO MY
SENSE OF SAFETY AND CONCERN. WE'RE ALSO CONCERNED
WITH THE BUS STOP ON REGENCY. [BUZZER SOUNDS] IS MY

TIME UP?

...

Mayor Wynn: IT IS. GO AHEAD AND CONCLUDE YOUR LAST THOUGHT THERE.

IS THERE ANYONE THAT COULD DONATE ON THE SPOT?

Mayor Wynn: SOME OF THE FUTURE SPEAKERS, IF THEY WILL LIKE TO DONATE THEIR THREE MINUTE, THEY'RE WELCOME BE TO DO THAT IF THEY GIVE US THEIR NAME. FRD.

[INAUDIBLE - NO MIC].

Mayor Wynn: YES, MA'AM. I COULD TAKE YOU OFF THAT PERSON AND PUT YOU WITH CHRISTINE. WHAT'S YOUR NAME?

[INAUDIBLE - NO MIC].

Professor: OKAY. YOU WILL HAVE THREE MORE MINUTES --

Mayor Wynn: OKAY. YOU WILL HAVE THREE MORE MINUTES.

THANK YOU. THE OTHER CONCERN IS THE BUS STOP LOCATE ODD REGENCY, WHICH WAS NOT IT MENTION AND THE DEVELOPMENT RELIGIOUS. SO IF THEY ARE CONTROLLING THE LOITERING PROBLEM OUTSIDE THE ESTABLISHMENT, THEY HAVE NO CONTROLS FOR THOSE THAT ACCESS PUBLIC TRANSPORTATION. SO WE FEEL LIKE THIS IS THERE IS THE POTENTIAL FOR THE LOITERING ISSUE TO TAKE PLACE AROUND THE BUS STOP DOWN REGENCY DRIVE WHICH IS DOWN INTO CAVALIER PARK AND HERITAGE VILLAGE. THINGS SUCH AS THE CRIME INCIDENTS, ALCOHOL RELATED INCIDENTS THAT OCCUR IN A SUBDIVISION THAT ARE DIRECTLY ATTRIBUTE..... ATTRIBUTABLE TO A BAR PROBABLY CAN'T BE STATISTICALLY QUANTIFIED. SO ALTHOUGH AMAZING SUBJECTIVE, OUR SENSE OF SAFETY IS NO LESS REAL. NUMBER THREE, THE VALUE. WE DO SUPPORT ESTABLISHMENTS THAT CREATE ENOUGH VALUE FOR OUR SPECIFIC NEEDS AND COMMUNITY GOALS. WE CANNOT AFFORD, THOUGH, TO HAVE AN ESTABLISHMENT

THAT DETERS FROM THAT VALUE AND COULD BE POTENTIALLY DEVASTATING TO OUR COMMUNITY. NUMBER 4, POSITIVE IMPACT. AGAIN, WE WOULD LIKE TO SEE AN ESTABLISHMENT OF POSITIVE THINGS FOR OUR CHILDREN. WE CONSTANTLY DRIVE TO SET GOOD ROLE MODELS AND LEAD BY EXAMPLE, SO A BAR WOULD NOT BE IN LINE WITH THAT. IN CONCLUSION, I URGE YOU NOT TO VOTE IN FAVOR OF THE CS-1 ZONING AND TAKE AWAY THE SAFETY FROM OUR SMART NEIGHBORHOOD. BEING A MERE SMART COMMUNITY IS NOT WHAT THE HOUSING DEVELOPERS HAD IN MIND WHEN THEY BUILT OUR SUBDIVISION. PLEASE SHOW THAT HAVE YOU THE FORESIGHT AND SUBDIVISION TO KEEP OUR SUBDIVISION SAFE AND VOTE NO AND CONTINUE TO SUPPORT OUR SMART COMMUNITY. THANK YOU VERY MUCH. BE.

Mayor Wynn: THANK YOU.

WILL..... WILL THERE BE QUESTIONS?

Mayor Wynn: QUESTIONS? THANK YOU, MA'AM. OUR NEXT SPEAKER IS CLIFFORD MAY. [APPLAUSE] WELCOME MR. MAY. LET'S SEE, IS JOEY PETTY HERE? HI. HOW ABOUT NANCY.. MCCLAIN? HI NANCY. AND MANDY WADE. WELCOME. SO CLIFFORD, YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT. WELCOME BE.

OKAY. THANK YOU. MY NAME IS CLIFFORD MAY AND GOOD EVENING MAYOR WYNN AND CITY COUNCILMEMBER. MY NAME IS AT 5300 HERITAGE VILLAGE DRIVE. I AND ALL MY NEIGHBORS HAVE NO ALTERNATIVE WHEN LEAVING OUR NEIGHBORHOOD, NO CHOICES BUT TO DRIVE PAST AT LEAST ONE OF THE ENTRIES TO PALM SQUARE. THE DEVELOPERS MET WITH CAVALIER PARK NEIGHBORHOOD ASSOCIATION AWHILE BACK, OSTENSIBLY TO TELL US THEIR PLANS FOR PALM SQUARE. THEY DISCUSSED THE RESTAURANT AND AUTO PARTS STORE, NAIL SALON, HAIR CARE, BANK, OFFICES, ETCETERA, AND ONLY ONE STORE OR USE THAT NEEDS CS-1 ZONING, LIQUOR STORE. NO MENTION WAS MADE OF A COCKTAIL LOUNGE OR NIGHTCLUB. I WAS SHOCKED AT THE PLANNING AND ZONING COMMISSIONERS MEETING, THE PUBLIC HEARING, THAT A 6,000 SQUARE FOOT COCKTAIL LOUNGE WAS DESIRED, COCKTAIL LOUNGE,

NIGHTCLUB OR BAR. AND I SAID SO WHEN I SPOKE THAT I WAS SHOCKED TO HEAR ABOUT THAT. PHIL MONCADA LATER GAVE A RESPONSE AND HE SAID NO MENTION HAD BEEN MADE OF WHETHER THERE WOULD OR WOULDN'T BE A BAR, COCKTAIL LOUNGE OR SOMETHING LIKE THAT DURING THE NEIGHBORHOOD MEETING, WHICH I HAD BELIEVED WAS TO TELL US WHAT THEY HAD PLANNED. WELL, I DID TELL PHIL MAINTAIN CAD DA AFTERWARDS THAT I WOULD LET MY NEIGHBORS KNOW AND THAT I WISHED THEM A SUCCESSFUL DEVELOPMENT WITHOUT CS-1 ZONING. EIGHT OF MY NEIGHBORS IN CAVALIER PARK HAVE GIVEN ME THEIR HEART FELT COMMENTS FOR THIS PUBLIC HEARING.

OBJECTING BARBARA POKE. I AM OPPOSED TO A COCKTAIL LOUNGE, BAR CLUB IN THE PROPOSED AREA BECAUSE IT IS NOT FAMILY FRIENDLY. YES, WE WOULD LIBRARY MORE ENTERTAINMENT PLACES IN THE AREA, BUT NOT BARS, CLUBS OR COCKTAIL ESTABLISHMENTS. ENTERTAINMENT THAT THE WHOLE FAMILY CAN ENJOY. OBJECTING, JOSEPHINE CRUTCHER. AND THESE ARE IN CAVALIER PARK. I OBJECT TO THE PROPOSAL OF A LIQUOR STORE AND A COCKTAIL LOUNGE IN THE 969 STRIP. OBJECTING, OLIVIA GREEN, 5011 REGENCY DRIVE. IT'S NOT FAR FROM THE ENTRY. A COCKTAIL LOUNGE AT THE PROPOSED LOCATION WILL FURTHER ADD TO THE TRAFFIC HAZARD THAT IS NOW PRESENT AT THE CORNER OF REGENCY DRIVE AND 969. A FURTHER CONCERN IS THAT IT WILL BE WITHIN 500 FEET OF TWO CHURCHES. OBJECTING, NINA BATTS. THIS COCKTAIL LOUNGE WILL NOT ENHANCE THE QUALITY OF OUR NEIGHBORHOOD WE NEED A BUSINESS THAT WILL ENHANCE THE COMMUNITY AND ADD QUALITY TO OUR NEIGHBORHOOD. OBJECTING, BEVERLY SOLOMON, 5414 KING HENRY DRIVE. WE DO NOT WANT OR NEED A COCKTAIL LOUNGE IN OUR NEIGHBORHOOD. WE HAVE ENOUGH LIQUOR STORES NEARBY. WE NEED A LEARNING CENTER IN OUR COMMUNITY. I BELIEVE RECREATION AND EDUCATION GO TOGETHER. THE YMCA SERVES UP PLENTY OF RECREATION. NOW WE NEED THE EDUCATION LAB OR LEARNING CENTER TO EXERCISE OUR YOUNG MINDS FOR THE BETTER. OBJECTING, TERRY (INDISCERNIBLE), 5304 KING CHARLES DRIVE. SO MUCH TRAFFIC IN THE AREA, WE NEED MORE SPACE. WE DON'T NEED A NIGHTCLUB. OBJECTING, TALLFORD M. COLINS, REGENCY DRIVE. AGAIN,

VERY NEAR THE ENTRY. AND ALSO OBJECTING, LAKEISHA SAN DO VALUE, 60 GARDEN VIEW DRIVE. A NINE THE PERSON HAS ALSO GIVEN ME THEIR COMMENTS IN OPPOSITION. MARY COREMAN, MARY'S PLANNING A NEW HOME A BLOCK AWAY ON 969. I URGE YOU TO REJECT THE CS-1 ZONING REQUEST. THIS AREA IS RESIDENTIAL WITH MANY FAMILIES, A LIQUOR STORE A NIGHTCLUB ARE NOT APPROPRIATE FOR THIS AREA. A FAMILY FRIENDLY BUSINESS WOULD BE MUCH BETTER FOR THIS GROWING RESIDENTIAL AREA. SO I'LL GIVE ALL OF THESE SIGNED COMMENTS TO STAFF IN JUST A MOANLT. MYSELF AND ALL MY NEIGHBORS HAVE NO ALTERNATIVE -- OH. OKAY. YONT TO.....I DON'T WANT TO REPEAT MYSELF. I REGARD PALM SQUARE AS THE GATEWAY TO MY NEIGHBORHOOD AND THE LIQUOR STORE OR NIGHTCLUB IMAGE THAT CS-1 ZONING WILL GIVE US IS NOT THE WHOLE SOME FAMILY IMAGE WE WANT. AND THOSE AREN'T THE SERVICES WE WANT. I LIVED NEXT TO A LIQUOR STORE ON GUADALUPE STREET FOR OVER 15 YEARS JUST UP AT 33rd AND 34TH UNTIL I MOVED A FEW MONTHS AGO. DESPITE MY NEIGHBORS THERE ON GUADALUPE AND 33rd AND 34TH, WE ALL USED ALL APPROPRIATE MEANS TO DEAL WITH PROBLEMS THAT WERE PER PER REN NELLIE COMING FROM LIVING NEXT TO A LIQUOR STORE. PEDESTRIANS WOULD VISIT THE STORE, THEN COME AND VISIT US. AND THE REALLY NICE ONES JUST LEFT US REPSYCHABLES. -- RECYCLABLES. OTHERS INSISTED ON PROLONGED VISITS IN THE SHRUBBERY. THEY WANTED TO INSPECT OUR LANDSCAPING UP CLOSE AND PERSONAL. I WON'T GO INTO THE DETAIL. THE PROBLEM JUST NEVER WENT AWAY. OKAY. AS YOU HEARD, WE'RE A SMART HOUSING DEVELOPMENT. WE HAVE 11 HABITAT FOR HUMANITY HOMES AND HABITAT FREQUENCY BRINGS OUT TOUR BUSS TO SHOW PEOPLE OUR COMMUNITY. THEY'RE VERY PROUD OF IT. WE ARE TOO. WE PICK UP TRASH, WE TAKE CARE OF OUR YARDS. WE'RE WORKING HARD AND WE ASK YOU TO HELP US BE A FAMILY NEIGHBORHOOD WITH THAT IMAGE. THANK YOU. [APPLAUSE]

Mayor Wynn: MR. GUERNSEY CAN PASS IT AROUND FOR US. THANK YOU. HE.....ELSA. IS SHAUN HERE? ELSIE, YOU WILL HAVE UP TO SIX MONTHS MINUTES IF YOU NEED IT. AND YOU WILL BE FOLLOWED BY DAVID SANFORD.

GOODNIGHT. I AM ELSA (INDISCERNIBLE). I AM A MOTHER OF THREE YOUNG BOYS AND I LIVE IN HERITAGE VILLAGE. IT IS A WONDERFUL PLACE. I MOVED ONE YEAR AGO THERE. I WANT TO SPEAK TONIGHT TO YOU NOT JUST ON BEHALF OF MYSELF, I WANT TO SPEAK TO YOU ON BEHALF OF MY FAMILY, OF MY NEIGHBORS AND OF MY COMMUNITY. I REALLY THINK THAT THESE COMMUNITIES LIKE OURS DON'T NEED ANYTHING BAD. WE NEED HEALTH, WE NEED GOOD EXAMPLE, WE NEED A LOT, A LOT OF DEDICATION. I BELIEVE IN EDUCATION. I'M A TEACHER. AND I THINK THAT THIS DEVELOPMENT IS WONDERFUL. WHEN I BOUGHT THIS HOUSE I SAW THIS PLACE AND I SAID IT IS GOOD IF WE HAVE SOME RESTAURANTS, SOME STORES, CONVENIENCE STORES, BUT NOT A BAR. I REALLY THINK THAT WE DON'T NEED THAT EXAMPLE. WE NEED SOMETHING ELSE. I'M AGAINST THE CONSTRUCTION OR THE DEVELOPMENT OF THE LIQUOR STORE AND ALSO THE DEVELOPMENT OF THE BAR. I THINK THAT WE NEED SOMETHING ELSE, NOT JUST DRUNK OR UNSAFE PLACES. AND ALSO I WANT TO ADDRESS THAT IT IS ONLY ONE STREET THAT WE CAN GO TO OUR HOUSE. MY KIDS SOMETIMES CAME LATE IN THE NIGHT OR I WALK -- BECAUSE I WORK DOWNTOWN AREA AND I TOOK THE BUS. AND I HAVE TO WALK. AND I DON'T WANT TO BE IN NOT A SAFE PLACE. IT IS NOT SAFE NOW BECAUSE WE DON'T HAVE SIDEWALKS, BUT WE NEED SOMETHING ELSE. WE NEED REALLY YOUR ATTENTION TO THIS PLACE. WE ARE WORKERS, WE ARE HARD WORKERS. IF YOU CAN VISIT US, YOU CAN SEE THAT WE ARE REALLY TRYING TO DO OUR BEST IN OUR NEIGHBORHOOD. WE ARE NOT TRYING TO HARM ANYONE. AND WE JUST WANT TO -- THAT YOU CONSIDER THESE. I TALK TO YOU ABOUT SAFETY AND ABOUT HELPING. AND WE REALLY NEED YOUR ATTENTION TO THIS PLACE. IT IS OUR HOPE THAT WE HAVE PLACES TO BE, TO BE ENTERTAINED, THAT WE DON'T NEED THIS KIND OF ENTERTAINMENT. AND I REALLY WANT TO SPEAK THIS NIGHT TO YOU AND TO TOUCH YOUR HEARTS AND TO -- THAT YOU CAN LISTEN TO US. THAT WE'RE NOT TRYING TO STOP THE DEVELOPMENT BECAUSE WE KNOW THAT THE CITY IS GROWING, BUT WE WANT SOMETHING DIFFERENT, SOMETHING BETTER FOR OUR FAMILY AND OUR HOUSES. THANK YOU SO MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU. OUR FINAL SPEAKER IN OPPOSITION IS DAVID SANFORD. WELCOME, DAVID. LET'S SEE, IS ARISTA HERE? CAROL ZWIKKER? MY. AND RICHARD LOW WEN THAT WILL. SO YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY THE REBUTTAL BY MR. MONCADA.

I'M NOT SURE I NEED THAT MUCH. GREETINGS, MAYOR, COUNCILMEMBERS. FIRST I WANT TO SAY THAT I REALLY WANT THE PALM SQUARE DEVELOPMENT TO GO FORWARD AND I WANT IT TO BE SUCCESSFUL. AND BE EVERYTHING OTHER THAN THE CHANGE -- AND EVERYTHING OTHER THAN THE CHANGE IN ZONING I THINK IT SHOULD BE. SO I THINK ANYTHING THAT THE NEIGHBORHOOD CAN DO TO MAKE THAT SUCCESSFUL OTHER THAN APPROVE THE ZONING WOULD BE A GOOD THING. I THINK THAT OBVIOUSLY IF ALL THE SLOTS ARE PRELEASED, THEN THERE PROBABLY ISN'T A PROBLEM IN MOVING FORWARD WITH THE DEVELOPMENT WITHOUT THE LIQUOR STORE AND WITHOUT THE BAR. I THINK PROBABLY THIS IS A SUCCESSFUL COMMERCIAL VENTURE AND CAN WORK AND I THINK PEOPLE IN THE NEIGHBORHOOD WANT IT TO WORK BECAUSE IT WOULD BE MUCH BETTER TO HAVE THAT DEVELOPMENT THERE, AGAIN, WITHOUT THE LIQUOR STORE AND WITHOUT THE BAR, BUT THEN THAN WHAT'S THERE NOW. SO I WANT TO SUPPORT THE DEVELOPMENT, BUT I WENT TO ONE MEETING WHERE THERE WAS INDEED PRESENTATION BY THE DEVELOPERS. I PERSONALLY DIDN'T HEAR ANYTHING DISCUSSED ABOUT THE LIQUOR STORE OR THE BAR. IT WASN'T EMPHASIZED. I CAME A LITTLE BIT LATE, SO I MUST HAVE MISSED IT. I TALKED TO OTHER PENAL AT THE MEETING AND THEY DIDN'T HEAR OR RECOGNIZE THAT THAT HAD BEEN DISCUSSED. SO THERE MAYBE HAS BEEN NOT FULL COMMUNICATION. THERE HAS BEEN A MEETING SINCE THAT POINT WHERE THERE WERE 25 PEOPLE WHO CAME TO A MEETING ROOM AT THE YMCA IN OPPOSITION TO THE LIQUOR STORE AND THE BAR. SOME OF THOSE PEOPLE ARE HERE TONIGHT, SOME AREN'T. AND I THINK ONE OF THE OTHER ITEMS -- I SHOULD SAY THAT I'M GOING TO LIVE THERE. I DON'T LIVE THERE NOW, BUT I'M A LANDOWNER. I WILL BE LIVING ON 6314 FM 969, SO I'M LOOKING FORWARD TO MOVING INTO THAT NEIGHBORHOOD. THE OTHER THING IS THAT ONCE YOU

CHANGE THE ZONING, YOU CAN'T CHANGE BACK. SO WHATEVER THE -- IT'S VERY HARD TO CHANGE IT BACK IN ANY CASE. SO REGARDLESS OF THE INTENTIONS OF THE DEVELOPER TO HAVE THE KIND OF LIQUOR STORE, BE THE KIND OF BAR THAT WOULD NOT BE A BLIGHT ON THE NEIGHBORHOOD, I AM OPPOSED TO THE ZONING CHANGE FOR THAT REASON BECAUSE WHO KNOWS WHAT HAPPENS LATER? WHO KNOWS WHO IT GETS SOLD TO? THINGS CAN CHANGE. AND ONCE THE ZONING CHANGE OCCURS, THAT MAKES IT AWFUL HARD. I HAVE IN FRONT OF ME THE EAST MLK COMBINED NEIGHBORHOOD PLANNING AREA VISION AND GOAL STATEMENT AND I KNOW THAT GOAL 2 IS TO PROMOTE A MIX OF LAND THAT RESPECTS AND ENHANCES THE EXISTING NEIGHBORHOOD AND ENHANCES COMPATIBILITY BETWEEN THE NEIGHBORHOOD AND EXISTING INDUSTRIAL COMMERCIAL AREAS. WE WANT TO CREATE THAT RESPECT BETWEEN COMMERCIAL AND RESIDENTIAL, BUT I THINK IT WILL HELP WITH THE RESPECT IF THERE'S NOT A LIQUOR STORE OR A BAR THERE. AND I NOTICED GOAL 10 ON THAT TALKS ABOUT ADDRESSING NEIGHBORHOOD SECURITY BY REDUCING ILLEGAL AND DANGEROUS ACTIVITIES AND IMPROVING THE SENSE OF PUBLIC SAFETY, AND I THINK THESE -- A BAR AND A LIQUOR STORE DON'T DECREASE THE SAFETY AS OTHERS HAVE SPOKEN TO. I'VE LOOKED AT THE SITE PLAN AND THERE ISN'T A LOT OF ROOM, SPACE BETWEEN THE COMMERCIAL DEVELOPMENT AND THE RESIDENTIAL. THERE'S -- IT'S REALLY -- THIS REALLY BACKS RIGHT UP TO IT. AND WITH THE ROAD GOING INTO AND OUT OF THERE, I SEE A LOT OF TRAFFIC. I SEE A LOT OF TRAFFIC, CAR TRAFFIC. I SEE A LOT OF PEDESTRIAN TRAFFIC. AND IF A LOT OF THAT -- THE PEOPLE WHO ARE DRIVING THOSE CARS ARE FOR THAT MATTER WALKING HAVE DRUNK A LOT OF ALCOHOL, IT CAN'T BE GOOD FOR THE NEIGHBORHOOD. SO THAT'S ONE THING. I NOTICED IN FACT ONE OF THE THINGS THAT THE DEVELOPERS SAY IS THAT THEY WANT TO ENHANCE THE PEDESTRIAN TRAFFIC IN AND OUT OF THAT AREA. AND I LIKE THAT IDEA DEPENDING UPON THE NATURE OF THAT PEDESTRIAN TRAFFIC, BUT THERE'S PEDESTRIAN TRAFFIC THAT WOULDN'T BE GOOD FROM MY PERSPECTIVE. I GUESS THAT'S REALLY ALL I HAVE TO SAY. I REALLY WANT THE DEVELOPMENT TO GO FORWARD. I WANT TO SUPPORT YOU

DEVELOPERS IN MAKING THAT HAPPEN, BUT I REALLY DON'T WANT A LIQUOR STORE OR BAR THERE. AND ANYTHING THAT -- I THINK I SPEAK FOR OTHER PEOPLE IN THE NEIGHBORHOOD BE, ANYTHING THAT WE CAN HELP TO MAKE IT MOVE FORWARD WITHOUT THAT, WE'D BE HAPPY TO DO. BUT -- YEAH. THOSE ARE NOT THINGS WE WANT. THANK YOU.

McCracken: THANK YOU, SIR. [APPLAUSE]

McCracken: THE MAYOR HAS HAD TO STEP OFF THE DAIS ABOUT 15, 20... 20 MINUTES. WE'VE CONCLUDED ALL THE SPEAKERS AND WE'LL SNOW A THREE-MINUTE REBUTTAL FROM MR. MONCADA OR THE APPLICANT.

CITY COUNCILMEMBERS, I HIGHLY RESPECT THE OPINION OF THE NEIGHBORHOOD. I TALKED TO ONE OF THEM JUST BEFORE WE COME HERE, COMING TO THIS MEETING ROOM, AND SHE ASKED US ONE QUESTION. THERE'S A LIQUOR STORE JUST ONE MILE DOWN THE ROAD. WE DON'T NEED ANOTHER ONE HERE. AND I ALMOST WANT TO ASK HER, YOU ALSO HAVE A CONVENIENCE STORE DOWN THERE. WHY EVERYBODY APPLAUD TO PUT ANOTHER CONVENIENCE STORE HERE? THAT IS ONE THING. THE OTHER THING IS ABOUT SAFETY. THIS IS A CORNER -- ON THE CORNER OF A HIGHWAY, SO WE HAVE TWO MAIN ENTRANCE. ONE IS ON THE RAMP OF 183, BE SWUN ON THE MAIN ENTRANCE, GO FROM 969. THE REGENCY DRIVE IN, WE INTEND TO USE FOR THE SERVICE IN THE BACK OF THE BUILDING FOR SAFETY, FOR FIRE, FOR GARBAGE PICKING UP. SO THOSE ARE MAINLY NOT THE MAIN ASSET OF THE WHOLE DEVELOPMENT. AND WE HIGHLY RESPECT THE OPINION AND WE WANT TO SERVE THE NEIGHBORHOOD ALSO. THE DILEMMA WE HAVE HERE IS THAT THERE'S OTHER PEOPLE ALSO COME TO US LIKE MY TENANT AND SAY THERE'S A LOT OF PEOPLE LEAVING THE NEIGHBORHOOD AND ACTUALLY ASKING US TO HAVE THIS ESTABLISHMENT SO THEY CAN HAVE A NICE AND SAFE PLACE TO GO THERE AND RELAX. SO WE HAVE A LOT OF REQUESTS COME FROM MULTIPLE DIRECTIONS. AND WE -- OUR GOAL HERE IS WE WANT TO PROVIDE A COMMERCIAL CENTER THAT WILL BENEFIT AND SERVE THE COMMUNITY. THE COMMUNITY RIGHT NOW IS EXTREMELY UNDERSERVED. THANK YOU.

McCracken: THANK YOU, SIR.

I STILL HAD A FEW MINUTES, COUNCILMEMBER. I JUST WANTED TO RESPOND TO A COUPLE OF THE COMMENTS THAT WERE MADE. AS FAR AS ONE OF THE CITIZENS STATING THAT THERE WERE CHURCHES WITHIN 500 LINEAR FEET OF THE SITE, I BELIEVE CITY STAFF HAS ALREADY MADE A DETERMINATION THAT THOSE WERE GREATER THAN 500 FEET OR WE WOULD HAVE MAYBE HAD ANOTHER ISSUE. THE OTHER THING I DIDN'T MENTION TO YOU ALL IS THAT WE'RE.....WE'LL ALSO BE ADDRESSING A DRAINAGE ISSUE THAT'S CURRENTLY OCCURRING WITH RUNOFF FROM THAT SITE RUNNING DOWN ON TO REGENCY WITH THE CONSTRUCTION OF A RETAINING WALL THAT'S SHOWN ON OUR SITE PLAN. AND WE'LL ALSO BE DOING DETENTION ON OUR SITE. WE WANT -- I WANT TO CLARIFY I'M NOT A DEVELOPER, I'M JUST A PERMIT EXPEDITOR. WE WANT TO WORK WITH THE NEIGHBORHOOD, SO I RESPECTFULLY WOULD REQUEST THAT COUNCIL WOULD CAMPAIGN INTRAIN POSTPONING THIS ITEM TO GIVE US AN OPPORTUNITY TO VISIT WITH THIS NEIGHBORHOOD GROUP, BUT WOULD ASK THAT THEY CONSIDER PUTTING US ON THE NEXT COUNCIL AGENDA SO WE'RE NOT DELAYING OUR PROCESSING BECAUSE WE WANT TO CONTINUE WITH OUR DEVELOPMENT. AND WHEN YOU LOOK AT THE OVERALL SITE, YOU'LL SEE THAT THIS TOTAL -- NOW I BELIEVE WHAT WE'RE HEARING IS WE'RE ONLY LOOKING AT THE 6,000 SQUARE FEET THAT'S AN ISSUE. [BUZZER SOUNDS] TWOAPT HAVE AN OPPORTUNITY TO TRY TO RESOLVE THAT WITH THEM AND ADDRESS SOME OF THEIR CONCERNS.

McCracken: THANK YOU. I GUESS THE SUGGESTION REAL QUICK IS TO CLOSE THE PUBLIC HEARING AND COME BACK ON OCTOBER 12TH WOULD BE OUR NEXT MEETING. COUNCILMEMBER LEFFINGWELL?

I'VE GOT A QUESTION FOR MR. MONCADA FIRST. I BELIEVE YOU SAID THAT THIS PARTICULAR CENTER HAD BEEN EMPTY FOR A NUMBER OF YEARS.

SINCE 1986, SIR.

Leffingwell: AND THE ZONING THAT'S ON IT RIGHT NOW IS,

WHAT, CS?

CS-MU-NP. IT'S ALREADY COMMERCIALY ZONED AND SO IS EVERYTHING IN THE ADJACENT SURROUNDING AREA.

Leffingwell: SO TO ME THAT SUGGESTS THAT WITHOUT A CHANGE IN ZONING IT'S UNLIKELY THAT THAT PROPERTY IS GOING TO BECOME ACTIVE AGAIN BECAUSE IT HASN'T FOR THE LAST ALMOST 20 YEARS.

Leffingwell: I THINK THAT'S A GOOD IDEA TO GO BACK BE AND WORK WITH THE NEIGHBORHOOD. I WOULD MAKE A MOTION THAT WE CLOSE THE PUBLIC HEARING AND POSTPONE UNTIL OCTOBER 11 TZ. OCTOBER 11th.

THANK YOU. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER KIM. ANY FURTHER COMMENTS? THEN -- YES, PHIL?

SORRY, COUNCILMEMBER. I HEARD YOU SAY OCTOBER 12TH, I HEARD COUNCILMEMBER LEFFINGWELL SAY 11th. I JUST WANT A CLARIFICATION SINCE YOU'RE GOING THROUGH A MOTION.

Leffingwell: I'VE GOT A QUORUM -- I DON'T KNOW IF I WOULD GET A QUORUM ON THE 12TH.

McCracken: WE'RE NOT DOING ANOTHER FRIDAY ZONING MEETING AGAIN. SO OCTOBER 11th. WE'LL CLOSE THE PUBLIC HEARING AND POSTPONE ANY ACTION ON THIS TO OCTOBER 11S. ALL IN FAVOR? THE MOTION IS ADOPTED ON A VOTE OF FIVE TO NOTHING WITH THE MAYOR AND MAYOR PRO TEM OFF THE DAIS. IT'S MY UNDERSTANDING THAT ITEM NUMBER 105 HAS ONE SPEAKER, IS THAT RIGHT? LET'S TAKE THAT UP FIRST.

IT'S 10 HAD AND 105. THEY ARE RELATED ITEMS. IT'S CASE C-14-2007-00 SPHINX. THAT'S 105. AND CASE..... CASE 104 IS CASE C-14-84-361. THE VICTIM TO TERMINATE AN EXISTING RESTRICTIVE COVENANT WHICH LIMITS THE TYPES OF USES ON THE PROPERTY TO BE ONLY MEDICAL OR DENTAL OFFICE, PRIVATE SCHOOLS, NURSING HOME,, BUSINESS MACHINE, RENTAL AND SALES, AND BE ALSO HAD SOME

OTHER RESTRICTIONS IN THE COVENANT THAT PROVIDED FOR A LIGHTED PARKING AREA AND A MAXIMUM SIGN HEIGHT OF SIX FEET. THE REZONING REQUEST WAS FROM LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN TO GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN. THE COMMISSION'S RECOMMENDATION WAS TO APPROVE THE STAFF RELIGIOUS TO TERMINATE THE RESTRICTIVE COVENANT AND ALSO TO RECOMMEND THE STAFF'S RECOMMENDATION FOR GR-MU-CO-NP, WHICH STANDS FOR COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN. AND THE STAFF'S RELIGIOUS THAT THE COMMISSION RECOMMENDED INCLUDED A TRIP LIMITATION TO 2,000 TRIPS AND WOULD PROHIBIT THE FOLLOWING USES, AUTO RENTAL, AUTO REPAIR SERVICES, AUTO SALES, AUTO WASHING OF ANY TYPE. COMMERCIAL OFF STREET PARKING. OFF SITE ACCESSORY PARKING, PAWN SHOP AND SERVICE STATION. THE PROPERTY IS CURRENTLY DEVELOPED AND HAS A PRINT SHOP ON IT AND THE OWNER WOULD LIKE TO HAVE A SIMILAR PRINT SHOP ON THE PROPERTY SIMILAR TO ANOTHER LOCAL PRINTING COMPANY, BLUEPRINT COMPANY, ROUGHLY WITH ABOUT 20,000 SQUARE FEET -- THE BUILDING WOULD BE DIVIDED INTO 12,000 FEET OF AIR CONDITIONED SPACE WITH LARGE DIGITAL PRINTERS AND ABOUT 8,000 NON-AIR CONDITIONED SPACE THAT WOULD BE LIMITED TO BE A WAREHOUSE TYPE USE. THE ADJOINING ZONING TO THE WEST OF THE PROPERTY IS CURRENTLY GR. TO THE SOUTH IS A SINGLE-FAMILY HOME OWNED BY A FAMILY. TO THE WEST OF THE PROPERTY IS SF-3 AND CS-CO-MP ZONING. AND THE PROPERTY DOES HAVE ADJACENT FRONTAGE ON MANOR ROAD, BUT HAS DIRECT FRONTAGE ON TILLERY STREET. AT THIS TIME I'LL PAUSE. I BELIEVE ONLY THE APPLICANT IS HERE. THEY ARE NOT IN FAVOR OF THE COMMISSION'S RECOMMENDATION AND WOULD STILL LIKE TO PURSUE CS ZONING, MU ZONING ON THE PROPERTY, WHICH WOULD MAKE A PRINT SHOP A PERMITTED USE AS PER A DETERMINATION MADE BY MY PREDECESSORBACK IN THE '80 THAT LARGE COMMERCIAL PRINT BUSINESSES ARE ALLOWED IN GENERAL SERVICES DISTRICTS.

McCracken: SO WHO IS REPRESENTING THE APPLICANT?

MAYBE THEY LEFT WITH THE BOY SCOUTS. OKAY. WELL, THEN WITHOUT OBJECTION, WE WILL MOVE ON TO OUR 1 REMAINING ITEM FOR THE EVENING, CORRECT, WHICH IS ITEM 102.

WOULD YOU LIKE TO TABLE THIS ITEM OR POSTPONE THIS ITEM?

[INAUDIBLE - NO MIC].

McCracken: YOU'RE THE ONLY SPEAKER.

[INAUDIBLE - NO MIC].

Leffingwell: I BELIEVE THE APPLICANT IS HERE NOW.

IT'S MY UNDERSTANDING THAT THE APPLICANT WAS AGAINST THE RELIGIOUS FROM THE PLANNING COMMISSION?

THE FOLKS THAT I SEE IN THE BACK ARE ANXIOUSLY WAITING FOR THE NEXT CASE, 102.

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McCracken: DO WE HAVE ANYBODY HERE TO SPEAK ON ITEM 104 AND 105.

CAN I ASK DO CLARIFICATION, THE 2,000 TRIP ASPECT?

IT WOULD PROHIBIT AN ADDITIONAL 2,000 FRIENDSHIPS ON THE PROPERTY. THE PROPERTY ALREAD DOES HAVE COMMERCIAL ZONING SO IT WOULD ALLOW A NUMBER OF TRIPS ALREADY, BUT THIS WOULD BE IN ADDITION TO THAT.

FOR WHAT TIME PERIOD?

WELL, THIS IS --

PER DAY, PER WEEK, PER MONTH?

THIS WOULD BE OVER A 24-HOUR PERIOD, BUT WHAT I TELL

YOU IS IF -- IF IT GENERATED --

McCracken: I HAVE A SUGGESTION. LET'S GO ON TO ITEM 102. THAT WAS OUR SOLE REMAINING ITEM. WHILE THAT'S GOING ON, SIR, YOU CAN TALK WITH GREG DURING A BREAK AND IF WE CAN COME BACK OR NOT. BUT JERRY CAN TALK TO YOU ROUTE T RIGHT NOW. OUR ONLY REMAINING ITEM, I BELIEVE, IS ITEM 1:02 AND SO WE HAVE -- AND WE HAVE TWO SPEAKERS ON TUNNEL 102, WHICH IS THE ASIAN CENTER, 1800 ITEM. SO GREG?

VERY GOOD. ITEM NUMBER 102 IS C-14--2007-99. THIS IS A REZONING REQUEST FROM COMMERCIAL -- FOR COMMERCIAL LIQUOR SALE ZONING. THE CURRENT ZONING IS GENERAL COMMERCIAL SERVICES. IT IS ONLY FOR AN AREA OF APPROXIMATELY 1742 SQUARE FEET AND THE PLANNING COMMISSION RELIGIOUS WAS TO GRANT CS-1 ZONING ON A 5-3 VOAVMENT THE PROPERTY IS AN EXISTING SHOPPING CENTER AND THE PROPOSED LIQUOR SALES USE WOULD BE LOCATED AT LEAST 690 FEET FROM AN EXISTING ELEMENTARY SCHOOL TO THE EAST AND APPROXIMATELY 720 FEET FROM AN ELEMENTARY SCHOOL TO THE WEST. THERE IS ALSO A CHURCH APPROXIMATELY 975 FEET AWAY. THE PROPERTY IS LOCATED AT THE -- NEAR THE INTERSECTION BE OF BRAKER AND LAMAR BOULEVARD. IT WAS RECOMMENDED BY STAFF AND COMMISSION, APPLICANT'S AGENT, MR. JIM BENNETT IS HERE. MR. DUBIAS IS HERE FROM THE NEIGHBORHOOD. I'LL PAUSE FOR THE APPLICANT'S PRESENTATION.

McCracken: THE APPLICANT'S PRESENTATION?

COUNCIL, I'M JIM BENNETT, I'M HERE TONIGHT ON BEHALF OF THE REQUEST FOR A ZONING CHANGE ON AN EXISTING RETAIL CENTER. THE CENTER IS UNDER CONSTRUCTION AND DEVELOPED PARTIALLY. THIS TRACT, AS MR. GUERNSEY INDICATED TO YOU, IS AT THE INTERSECTION OF NORTH LAMAR AND BRAKER LANE, WHICH ARE BOTH CONSIDERED MAJOR INTERSECTIONS OF TWO ARTERIALS. IF YOU LOOK AT THE ZONING MAP THAT'S BEFORE YOU RIGHT NOW, ON THAT MAP THERE IS -- THIS WOULD BE THE ONLY CS HN 1 PORTION ANYWHERE ON THAT MAP AND I THINK YOU HAVE TO GO CONSIDERABLY SOUTH TO FIND ANY CS-1. THIS TYPE OF

REQUEST IS NOT UNCOMMON THAT'S BEFORE COUNCIL TONIGHT. WHEN YOU HAVE A RETAIL CENTER AND YOU'RE PROPOSING A FOOTPRINT ZONING, WHICH IS APPROXIMATELY 1700 SQUARE FOOT IN SIZE. THIS ZONING CHANGE WOULD BE COMPATIBLE TO ADJACENT SURROUNDING COMMERCIAL USES BECAUSE AS YOU CAN SEE FROM THAT MAP, EVERYTHING AROUND US IN CLOSE PROXIMITY TO US IS ACTUALLY USED AND ZONED FOR COMMERCIAL PURPOSES AND INDUSTRIAL PURPOSES RATHER THAN ANY RESIDENTIAL. AND THERE IS NO RESIDENTIAL IN CLOSE PROXIMITY TO THIS REQUEST. WE FEEL THAT THIS IS A NORMAL PART OF A RETAIL CENTER AND WE ARE REQUESTING THAT THE COUNCIL CONSIDER THE CS-1 AND APPROVE SUCH. IF YOU HAVE ANY QUESTIONS I'LL BE AVAILABLE.

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McCracken: THANK YOU, MR. --

Mayor Wynn: THANK YOU, MR. BENNETT. QUESTIONS FOR THE AGENT? IF NOT, WE NORMALLY HEAR FROM FOLK IN SUPPORT OF THE ZONING CASE. THERE ARE NONE. AND WILLIAM TOBIAS HAS SIGNED UP IN OPPOSITION. WELCOME. AND IS THAT JIM WITH YOU? WELCOME. YOU WILL HAVE UP TO SIX MINUTES, WAYNE?

THANK YOU, SIR. MR. MAYOR, WAYNE TOBIAS, COUNCILMEMBERS. I'M WITH THE WALNUT CREEK NEIGHBORHOOD ASSOCIATION. AS MR. BENNETT POINTED OUT, THIS AREA IS ZONED CS AROUND IT AND I WOULD LIKE NOTHING MORE THAN TO COME UP HERE AND SAY THE NEIGHBORHOOD IS HAPPY TO HAVE A LIQUOR STORE AND A SHOPPING CENTER. AFTER ALL, IT IS A VERY NICE SHOPPING CENTER THAT THEY PUT IN THERE. IT'S AN IMPROVEMENT TO OUR NEIGHBORHOOD TORKS THIS INTERSECTION. IF I WANT TO GO TO A LIQUOR STORE, IT'S AT THE VERY NEXT LARGE SHOPPING CENTER DOWN THE STREET AND I HAVE TO GO ANOTHER.9 OF A MILE TO GET TO ANOTHER ONE. AS MR. BENNETT POINTS OUT, THIS IS NOT UNUSUAL TO HAVE A LIQUOR STORE IN EVERY ONE OF THE MAJOR SHOPPING CENTERS AROUND THE AREA, SOMETHING THAT THE CITY COUNCIL MAY OR MAY NOT BE AWARE OF. ONE OF THE

THINGS THAT I AM STANDING IN FRONT OF YOU IS THIS PARTICULAR INTERSECTION IS VERY VULNERABLE. AS I SAID, THERE'S LIQUOR STORES, THEY AREN'T THAT FAR AWAY DOWN THE STREET. RIGHT NEXT DOOR TO THIS PLACE IS A VERY NICELY PAINTED FACILITY. IT'S CALLED DREAMERS. IT'S AN ADULT BOOKSTORE OR VIDEO STORE. 24 HOURS. AND IT SEEMS TO HAVE QUITE A LOT OF PEOPLE SHOWING UP THERE. I'VE ALSO BEEN TOLD ON VERY GOOD AUTHORITY THAT THIS PARTICULAR AREA HAS BEEN VIEWED BY THE OTHER THAN OF THE LANDING STRIP TO OPEN ANOTHER BUSINESS UP HERE. WHAT I'VE SHOWN YOU IN THE PICTURE IS MARDI GRAS LOCATED NEAR OUR NEIGHBORHOOD ALONG I-35. IN OTHER WORDS, THIS IS BEING VIEWED AS A HIGH POTENTIAL FOR ADULT BASED BUSINESSES BECAUSE IT IS FAR ENOUGH AWAY, FAR ENOUGH NORTH FROM OTHER ADULT BASED BUSINESSES WHICH SEEM TO BE LOCATED SOUTH OF AUSTIN RIGHT NOW. IN FACT, THE FENCE LINE THAT YOU'RE SEEING RIGHT THERE KIND OF SNUCK IN OVER THE COURSE OF A MONTH. AND YOU NOTICE IT'S COVERING A LARGE CHUNK OF PROPERTY ALONG LAMAR. THIS IS LOCATED APPROXIMATELY A 10 BETH OF A MILE NORTH OF THE INTERSECTION WE'RE TALKING ABOUT. IT WAS A PRIVATE RESIDENCE. WHEN THE FENCE WENT UP A LOT OF NEIGHBORS GOT CONCERNED, WHAT'S GOING IN THERE. IT TURNS OUT THAT SOMEONE ELSE HAD AN IDEA THAT THIS IS A NICE ADULT AREA AND THIS IS NOW -- IT'S GOT KNOT A GAMBLING CASINO, IT'S A GAMBLING CLUBHOUSE. WE HAVE IT UNDER INVESTIGATION, BUT THIS IS AGAIN POINTING OUT THAT THIS IS A VULNERABLE AREA. DIRECTLY ACROSS THE STREET FROM THE ASIAN SHOPPING CENTER, THE BUILDING THAT'S ON THE MAP SHOWS A GAS STATION OR GROCERY, IN THIS CASE A GROCERY, HAS NOT BEEN IN BUSINESS FOR OVER TWO YEARS. OF COURSE, I THINK IT'S GOING ON THREE YEARS IT'S BEEN A VACANT BUILDING. WE ALSO HAVE ACROSS THE STREET TR THAT AN ALBERTSON'S WHICH WE KNOW WENT OUT OF BUSINESS A LITTLE OVER A YEAR AGO. AND THAT ALBERTSON'S HAS HAD VERY LITTLE INTEREST IN A BUSINESS REOPENING THERE. SO AS I'M POINTING OUT, THIS IS A VERY VULNERABLE INTERSECTION. CS-1, IF THIS WERE A THRIVING INTERSECTION BE AND I COULD SAY, YEA, THIS COULD USE A CS-1, A LIQUOR STORE, MAYBE WE COULD AGREE WITH IT, BUT RIGHT NOW THE

NEIGHBORHOOD CAN'T AFFORD TO TAKE THE CHANCE. MR. DUCK LUC IS APPARENTLY THE GROCERY STORE OWNER. HE'S PUTTING A BUSINESS IN AT THE WEST END OF THIS SHOPPING CENTER THAT'S JUST BEEN INSTALLED. OKAY. THIS IS THE GENERAL CONSENSUS OF OUR NEIGHBORHOOD BOARD. THE NEIGHBORHOOD PROTESTS THE ZONING CHANGE REQUEST TO ALLOW LIQUOR SALES IN THE AUSTIN SHOPPING CENTER TONIGHT. IT'S NOT SO MUCH BECAUSE WE DON'T THINK IT SHOULD BE ALLOWED, BUT WITH AN ADULT ORIENTED BUSINESS NEXT..... NEXT DOOR ALONG WITH TWO VACATED BUILDINGS AND AN OPEN LOT AT THIS INTERSECTION, THE AREA IS VULNERABLE. IT'S RIPE TO BECOME SOMETHING, BECOME ANOTHER RUNDBERG IF THE WRONG TYPES OF BUSINESSES SUCH AS MORE ADULT-BASED BUSINESSES ATTEMPT TO OPEN. WE ARE PROTESTING ON PRINCIPLE. WE DON'T WANT TO INDICATE THE NEIGHBORHOOD IS BECOMING PASSIVE AND TREAT THIS TYPE OF BUSINESS AS A TRIVIAL OR OF NO IMPORTANCE. SO CLOSE TO NEIGHBORHOOD, SCHOOLS AND CHURCHES. IF WE DON'T CONTINUE OUR STAND ON BASIC PRINCIPLES, WE FEEL -- BASIC PRINCIPLES WE FEEL ARE NECESSARY TO MAINTAIN A COHESIVE NEIGHBORHOOD, THEN WE ALLOW OURSELVES TO BE BE OPEN TO OUTSIDE INFLUENCES, WHICH COULD EVENTUALLY LEAD TO AN AREA NOT CONDUCIVE TO AN AREA THAT THE NEIGHBORHOODS HOPE TO MAINTAIN WHEN ESTABLISHED OVER 50 YEARS AGO. THESE NEIGHBORHOODS, IN FACT VERY MUCH THRIVING. WE DO HAVE A LOT OF YOUNG COUPLES COMING IN. THE NEIGHBORHOODS FOR THE MOST PART ARE LOCATED TO THE NORTHEAST AND NORTHWEST OF THIS INTERSECTION. THERE IS A LOT OF SECTION 8 HOUSING JUST TO THE WEST OF THE SCHOOL, WHICH IS ALSO SHOWING ON THIS MAP. BY THE WAY, THIS IS BOTH -- BOTH THE SCHOOL, McBEE ELEMENTARY AND WALNUT CREEK ELEMENTARY ARE WITHIN A THOUSAND FEET. IF THE CITY OF AUSTIN WERE A LITTLE BIGGER THAN IT IS RIGHT NOW, A THOUSAND FEET WOULD BE WITHIN THE RANGE AFTER SCHOOL. YOU COULD NOT PUT A LIQUOR STORE IN. SOMETHING TO CONSIDER ALSO. AUSTIN APPARENTLY IS LESS THAN WHAT THE STATE REQUIRES TO HAVE SCHOOL ZONES WITHIN A THOUSAND FEET. THANK YOU.

Mayor Wynn: THANK YOU, MR. TOBIAS. GOES WAYNE, COUNCIL? COMMENTS? IF NOT, WE HAVE ONE THREE-MINUTE REBUTTAL BY MR. BENNETT.

COUNCIL, AS WAYNE HAS TOLD YOU TONIGHT, THIS CENTER IS AN IMPROVEMENT IN THE NEIGHBORHOOD. THEY CONSIDER IT TO BE A NICE LOOKING AND OPERATING FACILITY. IT IS IN THE COMMERCIAL AREA AS WAYNE AGREED TO MY COMMENT. IT IS AT THIS MAJOR INTERSECTION. RELATIVE TO THE ADULT ORIENTED USE THAT'S THE PAINTED FACILITY THAT WAYNE REFERRED TO, WE HAVE NO RESTRICTIONS FOR COUNCIL IF THEY WANTED TO IMPOSE A RESTRICTION -- A CONDITIONAL OVERLAY TO THA THIS NOT BE USED FOR ADULT ORIENTED USE. HOWEVER, THE ORDINANCE AS WELL COVERS THAT IN YOUR LAND DEVELOPMENT CODE AND IT REQUIRES PERFORMANCE STANDARDS THAT THEY BE A THOUSAND FEET FROM ANOTHER ADULT ORIENTED USE, SO WE WOULDN'T BE ABLE TO PUT ONE IN ANYWAY. THE LIQUOR BUSINESS, AS THE COUNCIL MAY KNOW, IS A TIGHTLY REGULATED BUSINESS BY THE TEXAS ALCOHOLIC BEVERAGE PEOPLE AS FAR AS HOURS OF OPERATION, CLOATION, OBSCENITIES AND THOSE KIND OF THINGS. THEY LOOK AT THOSE QUITE CLOSELY. SO WE'RE NOT ANTICIPATING BEING DETRIMENTAL TO THE NEIGHBORHOOD. WE THINK WE'RE PROVIDING A SERVICE IN AN ESTABLISHED CENTER, RECENTLY NEW IMPROVEMENTS TO THE NEIGHBORHOOD. AND PERHAPS THERE SHOULD BE SOME IMPROVEMENTS OR AT LEAST I GUESS WAYNE IS HOPING SOME THINGS -- THAT WILL GO AWAY IN THIS NEIGHBORHOOD, BUT AS HE HAD INDICATED, THIS IS GOOD FOR HIS NEIGHBORHOOD, THIS CENTER THAT WE'RE TALKING ABOUT, AND THIS TYPE OF FACILITY IN A RETAIL CENTER SHOULD BE PERMITTED. AND I GUESS THAT PRETTY WELL ADDRESSES ALL OF IT, MAYOR. IF YOU HAVE ANY QUESTIONS, I'LL BE GLAD TO ANSWER THEM.

Mayor Wynn: QUESTIONS FOR MR. BENNETT, COUNCIL? COMMENTS? MOTIONS? CASE 102. COUNCILMEMBER KIM.

Kim: I APPRECIATE THE NEIGHBORS COMING HERE TONIGHT AND I'M VERY FAMILIAR WITH THAT NEW DEVELOPMENT, THE ASIAN CENTER. IT'S A VERY NICE DEVELOPMENT. THERE ARE

A LOT OF RESTAURANTS THERE AND I'M ALSO VERY -- I'VE BEEN AT WALNUT CREEK ELEMENTARY. ONE WOULD REALLY NEED TO CROSS A VERY BUSY INTERSECTION, WHICH IS LAMAR, TO GET OVER TO THAT STORE. AND THE CHILDREN AT WALNUT CREEK, THEY REALLY STAY IN THAT AREA. THEIR PARENTS PICK THEM UP. SO I'M SYMPATHETIC AS TO WHAT YOU'RE ASKING FOR, HOWEVER I THINK THAT THIS PLACE -- IT IS VERY MUCH IN A KIND OF BOOM RIGHT NOW WITH NORTH LAMAR, WITH THE CHINA TOWN CENTER RIGHT ACROSS THE STREET. A LOT OF NEW GOOD REDEVELOPMENT FOR THE AREA. AND SO I'M SUPPORTIVE OF THE APPLICANT'S REQUEST FOR THE ZONING CHANGE. AND SO I'M GOING TO MAKE A MOTION FOR STAFF RECOMMENDATION AND ALSO I BELIEVE THAT THE PLANNING COMMISSION'S..S RECOMMENDATION.

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Mayor Wynn: SO MOTION BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE PLANNING COMMISSION ON ALL THREE READINGS, SECONDED BY COUNCILMEMBER COLE. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH MAYOR PRO TEM OFF THE DAIS.

MAYOR AND COUNCIL, BE I WOULD SUGGEST ON 104 AND 105, MR. RUSTHOVEN IS STILL SPEAKING WITH THE OPPOSITION, NEIGHBORHOOD PERSON THAT WAS IN OPPOSITION, BUT NOT HAVING THE APPLICANT HERE AND KNOWING THAT THEY'RE OPPOSED IT TO THE COMMISSION'S RECOMMENDATION, I WOULD RECOMMEND THAT YOU POSTPONE ITEM 104 AND 105 TO YOUR NEXT MEETING OR A LATER MEETING SINCE THE APPLICANT IS NOT PRESENT AND THERE WAS ONLY AN INDIVIDUAL THAT WAS HERE IN OPPOSITION. IF YOU WAIT UNTIL THE NEXT MEETING, I THINK YOU WILL HAVE A FULL COUNCIL ON OCTOBER THE 11th.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER MARTINEZ TO POSTPONE

BOTH ITEMS 104 AND 105 TO OCTOBER 11th, 2007. BE
FURTHER..... COMMENTS? ALL IN FAVOR? OPPOSED?
MOTION TO POSTPONE PASSES ON A VOTE OF SIX TO ZERO.

MAYOR AND COUNCIL, THAT CONCLUDES OUR ZONING
ITEMS THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AND MS. SPENCE, I
BELIEVE THERE BEING NO MORE BUSINESS BEFORE THE
AUSTIN CITY COUNCIL, WE STAND ADJOURNED. IT IS 8:31
P.M.

End of Council Session Closed Caption Log